

CAFFERY (D.)

N

QUARANTINE REGULATIONS.

MARINE HOSPITAL SERVICE.

S P E E C H

OF



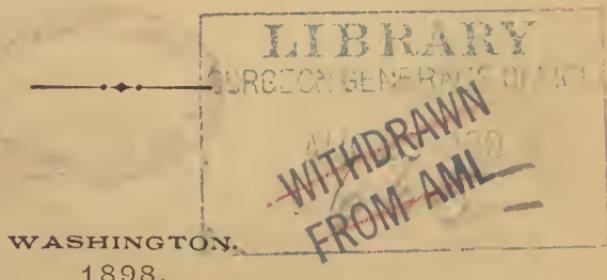
Hon. DONELSON CAFFERY,

OF LOUISIANA,

IN THE

SENATE OF THE UNITED STATES,

MARCH 22, 23, AND 30, 1898.



Annex

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Film no. 10465, Item 8

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H O N . D O N E L S O N C A F F E R Y .

The Senate having under consideration the bill (S. 2680) amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893—

Mr. CAFFERY said:

Mr PRESIDENT: This bill is to amend the act of February 15, 1893, with regard to Federal quarantine and to grant additional powers to the Marine-Hospital Service. It is proper to state what the act of 1893 is and to point out its main particulars, so as to know what are the purposes of the present bill to amend it. I will briefly give a résumé of the main provisions of the act of 1893.

The first section provides that no vessel coming from any foreign port or place shall be permitted to enter a port of the United States unless in compliance with the quarantine regulations of the State and such rules and regulations as are prescribed by the act itself. The penalty included in this first section for violating any of its provisions is \$5,000, and constitutes a lien upon the offending vessel.

Right in this connection I will draw the attention of the Senate to the peculiarity of this punitive provision. The laws of the States are recognized in the matter of quarantine, and a penalty is denounced for any violation of those laws. So we have the anomaly of the violation of the State laws punished in a United States court after due prosecution. That is one of the provisions which the present bill amends. I do not think there is any constitutional or other power for us to adopt the laws of the States and give sanction to them by punitive provisions of the United States statute. That defect was pointed out in the act before the Senate in 1879. It was pointed out by the then Senator from New York, a very distinguished man, Mr. Conkling, and it was pointed out by the senior Senator from Massachusetts [Mr. HOAR]. The bill of 1879, then pending, included as one of its provisions this identical punitive clause, which I think is illegal, and therefore ought to be stricken out.

Running over the sections, I come to the second section, which provides for obtaining consular certificates of foreign consuls or medical officers engaged in service at the consular ports by vessels sailing from a foreign port to any port of the United States. These certificates must set forth the sanitary condition of the vessel, that it has complied with all the rules and regulations to secure the best sanitary condition of the vessel, cargo, and passengers. The President is authorized to detail any medical officer of the United States at the port to furnish information, to make inspections, and to issue bills of health. There is no objection to that provision, and that provision is maintained.

The third section of the act of 1893 is proposed to be stricken out by the pending bill. That third section directs the Supervising Surgeon-General, immediately after the passage of the act, to examine the quarantine regulations of the State and municipal boards of health and, under the direction of the Secretary of the Treasury, to cooperate with the State board in the execution and enforcement of their rules and in the enforcement and execution of the rules and regulations made by the Secretary of the Treasury, in order to prevent the introduction of contagious or infectious diseases from foreign ports or countries into the United States or from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia.

One of the main provisions of this section is to direct the Supervising Surgeon-General of the United States to cooperate with all the health authorities of the different States and aid them in the execution of the State laws.

Another provision of this section is that at such ports or places in the United States as have no quarantine regulations, or when such regulations are, in the opinion of the Secretary of the Treasury, defective or insufficient, the Secretary of the Treasury is authorized to make additional regulations and rules, such as may be necessary to prevent the introduction of disease from foreign countries into the United States or from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia; and when such rules are made, they are ordered to be promulgated by the Secretary of the Treasury and enforced by the aid of the authorities of the States or the municipalities when the authorities of the States and municipalities will undertake to enforce them; and if they decline or refuse to do so, then they are to be executed by the Secretary of the Treasury himself or under his direction.

The other provisions of the act of 1893 down to section 6 give the execution of the quarantine duties and laws provided for to the Supervising Surgeon-General of the Marine-Hospital Service, and give him directions to obtain information as to the sanitary condition of foreign ports from which contagious or infectious diseases may be brought into the United States; and all consular officers are directed to make sanitary reports of the condition of their ports to the Secretary of the Treasury, and the Secretary of the Treasury is to obtain from all accessible sources such information as to the sanitary reports of all places within the States and communicate the same to the collectors of customs, etc.

Mr. President, I direct special attention to section 6 of the act of 1893, which is not proposed to be repealed by the pending bill. That section reads as follows:

SEC. 6. That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate.

I call special attention to this section, which is now the law and which is not attempted to be repealed by the pending bill, in order to answer some objections made by the Senator from Georgia [Mr. BACON] and the Senator from Florida [Mr. MALLORY] as to the

advisability of permitting a ship to enter a port of the United States without the certificate or permission of the State quarantine officers. Their arguments were directed against the advisability of permitting any vessel to enter a port of the United States from a foreign country notwithstanding any certificate or bill of health issued by the United States quarantine officials authorized to be issued by the pending bill.

That is the law now, and the advisability of granting permission by and through United States quarantine officials has been passed on by the Congress of the United States. So it is futile at this moment and against this bill to raise any question of the advisability of a ship entering a port of the United States after the health officer of the United States shall have given it a clean bill of health. I say it is utterly futile to raise that question, because it is settled, and it would be utterly and entirely nugatory, in my opinion, to have a quarantine law that only performed the office of shutting out a vessel, and contained no provision for permitting it to enter a port after performing quarantine. And the permission ought to be given by the same authority which ordered and directed the quarantine.

The very object of a quarantine is to permit the entry of a vessel. That has been the object of a quarantine ever since quarantine has existed. Senators upon this floor now tell us that it is inadvisable, that it is wrong, to permit the entry of a vessel into a port unless it shall have gone through the gauntlet of inspection at the hands of State authorities, and even in that event, if the citizens living in the community should object, then their permission must likewise be obtained.

Quarantine derives its name from the period of detention of forty days as applied to vessels from north Africa and ports supposed to be infected coming into the ports of the Mediterranean. They were subjected to a detention of forty days, as the word indicates. I believe the word is of Italian origin. The ancient quarantine was to keep the vessel forty days, for it was supposed that if any person had the germs of the infectious or contagious disease in him, or if any part of the cargo was infected, the disease would have manifested itself in that period, and the vessel perhaps could be permanently excluded. If not, if everything was clear, if no disease manifested itself in the person of the passengers, the vessel was permitted to land and discharge its cargo, and its passengers were permitted to go wherever they chose. The supposition was that if disease did not develop in them during that period they were safe from it.

Under modern methods, after science has discovered the means of destroying infection, of purifying ships, the detention of a vessel as to its cargo is very slight. The quarantine is for the purpose of admitting the cargo of the vessel and its passengers after proper scientific means and remedies have been resorted to and applied, and the vessel purified and the cargo disinfected. The passengers themselves are subjected to a process of disinfection. After that is accomplished a cargo is permitted to land and so are the passengers. The detention at the port in my own State has never been, to my knowledge, over fourteen days, and more frequently than otherwise, after fumigation and other disinfectant appliances have been used upon the ship and cargo, it is allowed to enter the port of New Orleans immediately, without any unnecessary detention. So the mediaeval idea of detaining ships in

quarantine and preventing commodities from being landed does not now obtain.

The first object of every quarantine regulation is to keep the disease out. That is the first and primal idea. After the disease gets in, then in order to prevent its spread, to prevent the ravages that follow in the wake of the dreadful scourge, there is a second quarantine, and that quarantine is to isolate the infected individual and to purify the infected place. It is not the idea of the shotgun quarantine, which is to string a cordon of firearms around an infected place. You can not shut out infection, you can not eradicate it, by brutal methods. It must be done by application of scientific means and methods. You must destroy the infection. Efforts in that direction have met with remarkable success in nearly all the Gulf States.

Mr. President, to revert to the discussion of the act of 1893, it will be observed that section 7 of that act gives the President power to suspend or prohibit for such period as he may deem expedient the introduction into the United States of persons or goods whenever in his opinion, notwithstanding quarantine, there is imminent danger of the conveying of infectious or contagious diseases into the country or from one State to another. He is authorized to stop all immigration, to stop all travel, to stop all transportation of goods in an emergency of that sort. That section is unrepealed and is a wise provision.

Section 3 of the act of 1893, to which I have drawn attention, is entirely stricken out in the pending bill. The same objectionable features of that act contained in the first section, which created the anomaly of throwing upon the United States the office of enforcing through its punitive power the regulations of States in the matter of quarantine, are also found in the third section and are also stricken out. With these provisions stricken out and the balance of the act of 1893 retained, the committee which reported the bill think, and I think, that the bill complies with the exigencies of conditions prevailing in the United States in regard to preventing the introduction of infectious or contagious diseases into the United States and, if they gain an entrance, to prevent their spreading from one State or Territory to another State or Territory.

The pending bill has two main divisions—first, the maritime quarantine; second, the interstate quarantine—and they both stand upon the same basis; that is, the necessity of regular, uniform, and efficient regulation. There is no difference whatever as to the necessity of requiring the same efficient law, the same uniform, regular execution of the law, in the case of maritime quarantine and in the case of interstate quarantine.

Mr. President, observe the unrepealed provisions of the act of 1893. What does the act provide for? It provides for obtaining all information in regard to the presence of contagious or infectious diseases in foreign ports and the immediate communication of that intelligence to the health authorities of the United States. It provides for the sanitation of the vessel and such rules and regulations, in the language of the act, as will bring about the best sanitary condition of the vessel, its cargo, and its passengers, and it places the execution of all these rules in the hands of the Secretary of the Treasury.

The Senator from Florida [Mr. MALLORY] says that this extensive jurisdiction of saying when and how goods and passengers shall be transported from abroad into our borders is a power too

great to confide to any one man. It could rest nowhere else. The maritime quarantine is bound to be in the hands of the Secretary of the Treasury. These vessels come laden with merchandise and immigrants, both under the jurisdiction of the United States—the goods, as to the collection of the duties upon them: the immigrants, as to the inspection required under the immigration laws.

The collectors of customs, under the very first act passed by the Congress of the United States in 1799, establishing the Marine-Hospital Service, were directed to comply with all the health laws of the States in the execution of their rules and regulations of quarantine. The collectors of the ports and United States officials, who have charge and supervision of ships and their cargoes, so far as collecting the Federal revenue is concerned, and who have charge over the character and kind of persons who shall be allowed to come to our shores in them, are the proper persons to look after this matter of quarantine.

The head of the Department, having jurisdiction over ships, their cargoes and passengers, is the proper person to take charge of and have jurisdiction over the subject of quarantine. He is now clothed with entire jurisdiction over the merchant marine, and we are told that when this merchant marine is the source from which the infectious and contagious diseases spring, that official ought not to be clothed with the power of health regulations, intimately connected and blended as they are with the ordinary duties of the Treasury Department. With deference to the Senator from Florida, I think there is nothing in the argument that the Secretary of the Treasury should not be intrusted with control over whatever health regulations Congress may adopt.

As to the argument that too much power is conferred upon the Secretary of the Treasury, I fail to perceive its weight, I fail to perceive its importance. I hope Senators will take into consideration that any health regulation whatever has to be executed in times of emergency with rapidity and certainty. There can be no convocation of doctors, no dispute, no delay. Yellow fever is an enemy; cholera is an enemy. All infectious and contagious diseases have to be met like an enemy to the human race, and your general must be in supreme command of the health army. There must be one authority, one executive arm. There is no place here for a division of authority, a convention of debaters, a discussion as to the methods to be pursued to drive back the foe. It has to be done quickly, decidedly, and efficiently. The Secretary of the Treasury, in my opinion, is the proper official, and the only official, in whom ought to reside the execution, by officers under him, as is the Supervising Surgeon-General, of all these health and quarantine regulations.

Mr. President, it may enlighten this subject to give a brief review of the legislation that has taken place heretofore in regard to quarantine: The first act, as I stated, was passed in 1799, and was referred to by Chief Justice Marshall in the celebrated decision in *Gibbons vs. Ogden*. That act, which I have here before me in the Revised Statutes, is so brief and so indicative of the prevailing idea relating to quarantine at that period that I will read it. It is the act of 23d February, 1799, section 4792 of the Revised Statutes:

The quarantines and other restraints established by the health laws of any State respecting any vessels arriving in or bound to any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue cutters, and

by the military officers commanding in any fort or station upon the seacoast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this title shall enable any State to collect a duty of tonnage or impost without the consent of Congress.

In that early day, in the very first act of Congress passed upon this matter, the officials of the Treasury Department were directed to enforce and to help to enforce the different regulations of the different States. This is cited in order to show that the executive arm of a health law was then thought, and properly, to be the customs officials of the United States, under the direction of the Secretary of the Treasury.

Mr. President, I will run over these acts with a view of showing the growth of this idea that the adoption and the execution of quarantine laws affecting large portions of the country ought to be made and enforced by the United States.

The first act on this subject referred to by the Senator from Florida [Mr. MALLORY] was the act of April 29, 1878, and on reviewing the sections and provisions of that act it will be seen how very careful the Congress of the United States was to conserve and to acknowledge the health laws of the United States. The first section provides:

That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise, or animals affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country contrary to the quarantine laws of any one of said United States into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

The second section simply provides for information of any infectious or contagious disease in a foreign port to be conveyed by the consular officer at that port to the Supervising Surgeon-General of the Marine-Hospital Service, and to give a full statement of the date of departure and the port of destination of any vessel arriving from such port to the United States.

Mr. BACON. Will the Senator from Louisiana permit me to interrupt him?

Mr. CAFFERY. Certainly.

Mr. BACON. I understand the Senator to be reading from the first act on this subject?

Mr. CAFFERY. Yes, sir.

Mr. BACON. If I understood him correctly, one provision of that law saves to the States the right to determine whether a vessel shall come in, and prohibits the Federal authority from interfering with that act. Am I correct?

Mr. CAFFERY. You are partially correct, sir. It says that no vessel shall enter contrary to the quarantine regulations of any State. This impliedly prevents it coming in by any regulation of the United States contrary to a State statute.

Mr. BACON. I understand that it is the purpose of the pending bill to enact directly to the contrary of that provision, and to overthrow that provision of the law as it was then enacted. Am I correct in that?

Mr. CAFFERY. Yes, sir: but you are not entirely correct, as the provision has been overthrown in acts subsequent to 1878.

Mr. BACON. If I have followed correctly the Senator and his

colleague on the committee, the Senator from Missouri [Mr. VEST], I understand that one main purpose of the bill is to put it within the power of the Federal official to say peremptorily and arbitrarily whether a vessel shall or shall not come in. In other words, if the Federal official determines that it shall come in, then there shall be no State authority which can conflict with that order. Am I not correct?

Mr. CAFFERY. My attention was called away just now by the Senator from Montana [Mr. CARTER] and I did not hear the Senator from Georgia. The Senator from Montana asked me a question which distracted my attention for the moment.

Mr. BACON. I will repeat it. Of course it is very important that we shall have the issue clear cut.

Mr. CAFFERY. Exactly.

Mr. BACON. I understand the contention as presented by the Senator from Louisiana and the Senator from Missouri to be that the efficiency of quarantine regulations can only be secured by having the paramount authority or power in the Federal official, so that when the Federal quarantine authority decides on the question whether a vessel shall enter a port, that decision is final and can not be conflicted with by any other and contrary decision on the part of the State authorities. Am I correct?

Mr. CAFFERY. You are.

Mr. BACON. If I am correct in that, then it seems to me that the former proposition which I suggested to the Senator is undoubtedly true, that the bill now proposed to be enacted will overthrow the provision in the act which he has just read. Am I correct?

Mr. CAFFERY. Certainly; but the Senator is entirely incorrect in presuming that that provision had not been overthrown by the act of 1893.

Mr. BACON. I did not presume anything to that effect at all. The Senator was reading—

Mr. CAFFERY. You presumed that this is the only bill which overthrows the provision which I have just read from the act of 1878, but both the act of 1893 and the act of 1879 provide that the certificate given by the quarantine officer of the United States at the port of entry shall be sufficient to allow a vessel to enter.

Mr. BACON. Then the Senator understands that the law as it now exists would make it unlawful for a State quarantine, even if it had that scope, to prohibit the entrance of that vessel?

Mr. CAFFERY. I think it would under some circumstances.

Mr. BACON. Both the Senator from Maine [Mr. FRYE] and the Senator from Missouri [Mr. VEST] commented upon the fact that directly the opposite was now true, and that under the law as it now exists a vessel may have a permit from the Federal authority to come into a port, but that a subsequent State quarantine will still keep it out. That was the complaint made, and that, I think, is the law now.

Mr. MALLORY. Yes; that is the law.

Mr. CAFFERY. I understand from what the Senator from Maine and the Senator from Missouri said, that double quarantine fees for inspection and disinfection were demanded by State quarantine officers. I can state from information derived from the Supervising Surgeon-General and from one of the rules and regulations which they have adopted, that notwithstanding the State law in that regard can be set aside under the act of 1879 and the act of 1893, if deemed inefficient and insufficient by the Supervis-

ing Surgeon-General—or the Secretary of the Treasury, rather—yet in order to harmonize with and not antagonize the health authorities of the State, they will, upon application, consent to another inspection and another disinfection. But they do not admit that the act of 1893 and the act of 1879 give the State authorities that permission and that privilege.

Mr. BACON. If the Senator will pardon the interruption and if I do not intrude—

Mr. CAFFERY. Not at all.

Mr. BACON. I think the Senator as a lawyer will recognize the fact that the language of the act of 1879 and the act of 1893 has no reference whatever to the question of any conflict between State and Federal authorities. It simply prescribes what under Federal authority will be a sufficient authorization for the entry of a ship, and the question as to whether or not that will override State authority I do not think is contemplated in the act. However, I beg the Senator's pardon for interrupting him to such an extent. I had no such intention when I arose. The only purpose I had was, if possible, to get the issue as clear-cut between us as it can be made.

Mr. CAFFERY. I read from section 6 of the act of 1893, which gives in unambiguous and unmistakable language the right of a ship to enter a port under the certificate of the health officers of the United States whenever, in their opinion, there was not proper facilities for disinfecting the ship by the health officers and the United States authorities undertook to disinfect. So, therefore, when the proper facilities do not exist the United States health officers can disinfect and fumigate; they can give their certificates, their bill of health, their permit to enter, and it does not leave, in my opinion, any room to admit a counter authority upon the part of a State to say that when the United States says a vessel shall come in the State authorities can say it can not.

The only difference between the Senator from Maine, if any difference at all, and the Senator from Missouri and myself in this particular is that I contend that this jurisdiction of the United States in allowing a vessel to enter is complete under the act of 1879 and the act of 1893, and the State authorities can not object to the right of the vessel to enter after the United States certificate shall have been given that it may enter. I will now revert to the act of 1878.

Mr. BACON. Yet the Senator proposes, as I understand it, to strike out section 3 of the act, which prescribes that there shall be cooperation between the Federal and State boards.

Mr. CAFFERY. I do. I think that that section causes useless complications and prevents that unity of action and harmonious execution and rapid execution which a law of this kind requires.

Section 3 of the act of 1878 makes it the duty of the medical officers of the Marine-Hospital Service and the custom officers to aid in the enforcement of the national quarantine rules and regulations established under the preceding section, which simply directs any consular officer of the United States or any other representative of the United States at a foreign port immediately to give information of the existence of any infectious or contagious diseases at a foreign port, and so on, as I have heretofore read. Then the Surgeon-General, under section 4 of the act, is directed, upon receipt of the information of a vessel from a foreign port where contagious diseases exist, immediately to convey intelligence of that fact to the municipal and State health authorities

and the United States officers at any port or the destination of the vessel in the United States.

There is another act of 1878, but I do not see it here now.

Mr. BACON. Possibly I can furnish it to the Senator. I have it here now.

Mr. CAFFERY. I have quoted from the act of the 29th of April, 1878.

Mr. BACON. There is an act of March 3, 1879. I beg the Senator's pardon. This is 1879.

Mr. CAFFERY. I believe there were two acts in 1878.

Mr. BACON. Two of 1879 and one of 1878.

Mr. CAFFERY. I will proceed with the act of March 3, 1879.

That act provided for a national board of health, to consist of seven members, to be appointed by the President, and section 2 states the duties of the board of health to be to obtain information upon all matters affecting the public health, to advise the several Departments of the Government, the executives of the several States, and the Commissioners of the District of Columbia on all questions submitted by them, or whenever in the opinion of the board such advice would tend to the preservation and improvement of the public health—a kind of general advisory board.

The third section of the act of 1879 required the board to submit to Congress at its next session a full statement of its transactions, with a plan for a national public health organization, which plan was to be prepared after consultation with all the sanitary organizations and sanitarians of the several States, and in which plans special attention was to be given to the subject of quarantine, and so on, and the sum of \$50,000 was appropriated to pay the salaries and expenses of the board. So you see, Mr. President, that the act of March 3, 1879, did nothing more than establish a national board of health, with general duties, giving them no specific powers; but they were directed to report a plan of organization of a national health board at the next session of Congress.

In June, 1879, a very important act was passed by Congress. It was to prevent the introduction of contagious or infectious diseases into the United States. The first section of the act varies somewhat from the section of the act of 1878, and it provides:

That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health and all rules and regulations made in pursuance of this act; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding \$1,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States.

So in the first section of the act we are met with the strange anomaly of the United States providing for the punishment not only of violations of certain rules which are authorized to be made under the provisions of the act, but of all rules and regulations of any State; and no man would know, if he were indicted for the violation of these rules, whether it was for the violation of rules made by the United States or rules made by the State. So that act right there contains a vicious provision, and, in my opinion, an absolutely illegal provision. The second section repeats the requirements of the act of 1878 in regard to the necessity of procuring consular bills of health and other provisions which are not pertinent to this inquiry.

The third section made the national board of health, created by the act I have just recited, cooperate with and aid all State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries or from one State to another, and so on.

The act of 1879 goes further, and contains a very important provision, to which I desire the attention of Senators who are doing me the honor to listen. I will quote it:

And at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations, the President may detail an officer or appoint a proper person for that purpose.

Wherever, in the opinion of the National Board of Health, the regulations of the States are not sufficient to prevent the introduction of these dangerous diseases from foreign ports or countries into the United States or from one State to another, then the board of health is authorized to make such rules and regulations as may be necessary, and the President is given full power and authority to execute them, both in regard to maritime quarantine and interstate quarantine.

Is this authority as extensive as the authority complained of in the pending bill? Here is a law, passed in 1879, which directly set aside State authority and gave to the national board the power, wherever they thought necessary, to adopt such rules and regulations as were sufficient to prevent the introduction of these contagious diseases from foreign countries into the United States or from one State to another. Where was the cry of State rights then? Who were the parties who voted for the act of 1879? The Senator from Tennessee, Mr. Harris, who then was in charge of the bill, was as great a stickler for State rights as any member of this body. The distinguished and powerful Senator from Mississippi, Mr. Lamar, devoted as he was to that construction of the Constitution which, while it gave the Federal Constitution its due proportion of power, always endeavored to restrain the Federal authority within the just limits of the Constitution, voted for this bill, and nearly every member in this body from the South, with few exceptions, voted for it.

I will draw the attention of Senators to a question propounded by Mr. Lamar to Mr. Edmunds, who opposed the bill, pending the discussion of this measure, which went to the roots of the whole controversy and signified the position of Mr. Lamar. He was not afraid of Federal authority at that day, nor was the Senator from Tennessee, Mr. Harris. They had witnessed the inefficiency of State quarantine. The Senator from Tennessee was fresh from the terrible experiences of the epidemic that devastated Memphis in 1878. He was a great stickler for State rights: he was a greater stickler for human life, when human life could be conserved by a just exercise of power conferred by the Constitution through laws having for their purpose not the underlying commercial purpose,

to which the Senator from Georgia the other day alluded, but the primal purpose, the great purpose, the humane purpose, of saving the lives of our citizens from the terrible destruction of these scourges that visit our shores.

Mr. Lamar, in stating the jurisdiction of the States over the subject-matter reserved to them in answer to a question of Mr. Edmunds (CONGRESSIONAL RECORD, Forty-sixth Congress, first session, page 1548), made this remark:

Over many subjects of legislation the States have exclusive jurisdiction. In fact, on all matters in reference to which the States have not delegated their powers to the General Government their jurisdiction is exclusive. Of course Congress could not by its legislation enforce the laws of a State upon such subjects: but upon matters over which Congress has a concurring jurisdiction and paramount jurisdiction, I think then, and in such case, it has the constitutional power to recognize and adopt the laws of a State and to enforce them by penalties upon individuals.

The statement of Mr. Lamar was made in answer to the objection of Mr. Edmunds that the Congress of the United States could not enforce the execution of State laws by the sanction of a Federal statute; and here he says that in a matter where Congress has paramount jurisdiction, then, and in that case, the Congress of the United States can use the Federal arm to execute and enforce the State statute. Let us see the vote on this bill.

Mr. BACON. I understand the Senator's position to agree with the position taken by Mr. Edmunds, and to conflict with that taken by Mr. Lamar in what he says?

Mr. CAFFERY. I read this statement from Mr. Lamar in order to show that he acknowledged that this subject, then discussed, the quarantine bill, was a measure over which Congress had paramount jurisdiction. The question of difference between him and Mr. Edmunds was quite another point. I think upon that question Mr. Edmunds was right and Mr. Lamar wrong, if the Senator wants to know my opinion.

Mr. CHILTON. The Supreme Court has so decided.

Mr. CAFFERY. I do not know what the decision of the Supreme Court has been, but it is manifest to my mind that Mr. Edmunds was right. But I direct the attention of the Senate to the brief speech of Mr. Lamar to show that the particular subject-matter of discussion at that period was one upon which he said Congress had paramount jurisdiction.

Mr. BACON. He used the words concurrent or paramount, either, without saying which one this fell under.

Mr. CAFFERY. Very well. We will see what that term means as we go further along in the discussion.

The yeas on the passage of the bill were as follows:

Bailey,	Farley,	Kellogg,	Slater,
Beck,	Garland,	Kirkwood,	Vance,
Blaine,	Gordon,	Lamar,	Vest,
Booth,	Hampton,	McMillan,	Voorhees,
Burnside,	Harris,	McPherson,	Walker,
Call,	Houston,	Maxey,	Williams,
Cameron, Pa.	Ingalls,	Paddock,	Withers.
Cameron, Wis.	Jonas,	Pendleton,	
Coke,	Jones, Fla.	Saunders,	

Those were the affirmative votes. I notice among those votes upon the act of 1879, that contains provisions similar to those in the pending bill, and pointed out in that debate as inimical to State authority, all these conspicuous Southern legislators and statesmen.

Mr. BACON. Will it interrupt the Senator from Louisiana if I ask him a question?

Mr. CAFFERY. It will not.

Mr. BACON. The Senator invokes the names of these eminent gentlemen in support of his proposition favoring the passage of the present bill. That vote was given in support of the act of June 2, 1879. That is the act, I presume, to which the Senator refers.

Mr. CAFFERY. Yes, sir.

Mr. BACON. There were two acts in 1879—the act of March 3 and the act of June 2. The Senator refers to the act of June 2. That is the principal act.

Mr. CAFFERY. Let me see what that act was and at what time it was passed.

Mr. BACON. Here it is. As to either act, the suggestion which I wish to make to the Senator is this, that in each of these acts there is a clear recognition of the right and expectation that the States would have quarantine regulations with which it was prescribed the Federal regulations should be in harmony, and in the execution of which it was prescribed that the Federal officials should act in harmony with the State officials.

The question I wish to ask the Senator is this: There is in these several acts ample authority and power given to the Federal officials to do everything which is necessary to restrict the spread of disease or to prevent its introduction. In what manner does the present legislation, as found in these several acts, fall short of what is provided in the bill now proposed, except in the fact that there is nowhere found in any one of these acts any power in the Federal authorities to prevent the State or municipal authorities from protecting themselves?

In other words, the only difference between the power given in the act now proposed and the legislation as it exists is that in the one case—the legislation now existing—the authority is given fully to the Federal authorities to do everything which can contribute to the prevention of the spread of disease or of its introduction, but the present legislation does not enable the Federal authorities to lay their hands upon State authorities and say they shall not restrict in the same manner that the Federal authorities do. In what way does the proposed legislation, except in that respect, change the present law?

Mr. CAFFERY. The Senator has made quite a speech in the form of a question, and there are so many different propositions or assertions that I am at a loss how distinctly to answer, but I will say this: The similarity between the acts of 1893 and of 1879 is that while in certain sections of both the acts of 1893 and of 1879 the Federal authority is made supreme, it is made so on a contingency. If certain laws of States are not thought to be proper, then the discretion is left to the Secretary of the Treasury to set them aside and to enact sufficient laws and regulations. In other parts of both of these statutes which the Senator has mentioned the Federal authorities are required to cooperate with the State authorities in the execution of their laws. I admit that, and that is precisely the reason why I want it changed.

Mr. BACON. The Senator wants to take that out.

Mr. CAFFERY. That is precisely the reason, because it brings about an inharmonious action, because it brings about a discussion, an assertion on one side that the laws are insufficient, a denial on the other that they are insufficient, and here is a wrangle between the State authorities and the Federal authorities, with

the power conceded to the Federal authorities in these acts to set aside the State authorities, but it goes without saying—

Mr. BACON. I do not think that is conceded.

Mr. CAFFERY. If the Senator will pardon me, I had not finished my sentence. It goes without saying that these provisions giving this contingent and conditional power to the United States are not calculated to be executed with that celerity, that certainty, that efficiency which is absolutely required in the presence of this fell destroyer. I do not know that there is a class of men in the world who are so fond of disputing as doctors. I do not believe the disputatious and contentious members of this body can rival a medical corps in their nice, fine-spun, metaphysical distinctions and differences, subtleties and refinements, on controverted questions.

Mr. PASCO. I understand the Senator desires to take out of the present legislation the cooperative principle between the National and State governments?

Mr. CAFFERY. Yes, sir. I desire emphatically to do it. I want a uniform rule. I want a certain rule. I want the whole power of the national quarantine, which I think unquestionably flows from the power to regulate commerce, where it belongs, where only it can be made effective, in the hands of the officers of the United States, and I am as much of a States-rights man as anybody.

Why, sir, year after year we are visited with yellow fever; year after year it creeps through cordons of shotguns; year after year our coasts are ravaged; year after year the pestilence walketh in darkness and destroyeth at noonday from Pensacola to the snow line. Is not that sufficient evidence of the inutility of these State quarantines?

Look at the epidemic of last year. How did it get in? Where is the responsibility? The State officers throw it upon the Federal quarantine officers at Ship Island. Criminations and recriminations are bandied about from one set of officials to another. We want a central authority to which responsibility can attach; we want a power able to cope with it, with means sufficient to cope with it, with a regularity of action and a uniformity of conduct and method of treating disease that insures confidence among the people and which, in my opinion, will effectually prevent the almost annual recurrences of these dreadful visitations.

Mr. PASCO. Will the Senator permit me?

Mr. CAFFERY. Certainly.

Mr. PASCO. I wish to call the Senator's attention to the fact that the quarantine laws and regulations of Florida were successful during last summer in keeping the yellow fever out of the boundaries of that State. There has never been any explanation as to how the yellow fever came into the country, and if I am correct, the Supervising Surgeon-General has never yet made his annual report, so that we do not know from him whether his efforts were successful or not. Am I right in that?

Mr. CAFFERY. I do not know about your success in Florida last year, but I do know when the yellow fever visited Florida some time in 1879 or 1880, that you called in the United States Marine-Hospital Service, and the town of Pensacola was put under the treatment of the United States officials.

Mr. PASCO. That was before the establishment of our present

system, which has been successful in keeping the disease out of our borders.

Mr. CAFFERY. I do not dispute the Senator's statement in that regard. Does the Senator dispute the statement that yellow fever ravaged the coast from the eastern boundary of Mississippi or of Alabama almost to the Mexican line upon the Gulf coast last year?

Mr. PASCO. I do not; but it is charged that it came through the national quarantine lines there.

Mr. CAFFERY. I have referred to that assertion, and I say you must have a central authority upon which you can attach responsibility for negligence or inefficiency. Where there is one Federal quarantine station there are twenty State quarantine stations, and the Senator knows, therefore, the chances are as twenty to one that the fever got in through the State negligence as against the United States negligence.

Mr. BACON. If I do not intrude improperly upon the Senator—

Mr. CAFFERY. Not at all.

Mr. BACON. I understand the Senator's proposition to be this: That he not only desires that the Federal authority shall have the exclusive power to say that a quarantine shall be established, but that it shall also have power as to any locality to say that it shall not be established. That I understand to be the Senator's position.

Mr. CAFFERY. I do not know how the Senator could have understood any such thing, for I certainly never said that.

Mr. BACON. I do not desire to misrepresent the Senator.

Mr. CAFFERY. I certainly never said any such thing, and it is very far from my thoughts to imagine any such thing.

Mr. BACON. I understand the Senator proposes that the exclusive power to establish a quarantine shall be in the Federal authorities, and therefore there shall be no other power qualified to establish a quarantine and no other quarantine can be lawful. So it will be exclusively for the national quarantine to say not only that there shall be a quarantine, but to determine that in a certain locality there shall not be any, because no other authority will have the power.

Mr. CAFFERY. The Senator does not understand me to take any such position—no, sir. I am speaking with reference to the Federal quarantine; I am speaking with reference to the power of the United States to establish quarantine in aid of its commercial power.

Mr. BACON. Does the Senator then—

Mr. CAFFERY. If the Senator will permit me—

Mr. BACON. Certainly.

Mr. CAFFERY. I have made the broad statement that the quarantine power, which I say the Congress of the United States possesses, is derived from the power to regulate commerce, and, therefore, the Federal quarantine can only extend and only embrace subjects of maritime foreign commerce and matters of interstate commerce. I have said nothing in regard to the internal police regulations of a State. Why does the Senator from Georgia conclude from anything that I have said, or anything that can be inferred from what I have said, that the States are to be robbed of all power to establish their quarantines wherever and whenever they choose? By no means. But upon this matter of maritime trade, this matter of foreign commerce, and this matter of interstate commerce, I say that the Federal arm can take charge.

of it, and the Federal authority in regulating it can be and ought to be supreme.

Mr. BACON. Now may I ask the Senator a question?

Mr. CAFFERY. Certainly.

Mr. BACON. I understand, then, under the Senator's contention, that if a carload of woolen goods was to be shipped from New Orleans at a time when the yellow fever was prevalent in New Orleans and consigned to a party in Montgomery, Ala.—which would certainly be a transaction under the interstate-commerce provision of the Constitution—that in such a case the citizens of Montgomery would be controlled in the question as to whether or not that carload of woolens consigned thus from New Orleans could be admitted exclusively by the decision of the national quarantine and that the city of Montgomery itself should not be allowed to say that it would not permit it to come in because it would endanger the health of the town. Am I correct?

Mr. CAFFERY. Are you propounding a question or making a statement of position?

Mr. BACON. I said I understood the Senator to take that position that in all cases which depend upon interstate commerce—

Mr. CAFFERY. You state a position, and you are now illustrating your position with a particular application of it.

Mr. BACON. I want to know if that is not the Senator's position.

Mr. CAFFERY. I will ask the Senator another question. I ask if the State authorities of Alabama in the case of goods shipped from New Orleans to Alabama, which you put, were to decide and declare through their health officers that it was perfectly safe for the people of Alabama to receive that shipment, would that entitle the goods to come in? Would that authorize the shipment to be made and the goods to be distributed among the people of Alabama?

Mr. BACON. Not if the Federal authorities should say it should not.

Mr. CAFFERY. I am speaking of the State authorities. I am not saying anything about the Federal authorities. I will ask you another question. In the case you suppose of woolen goods shipped from New Orleans and consigned to Montgomery, Ala., if the health officers of the city of Montgomery, in the State of Alabama, say that those goods can come in, and those goods can be received and sold in the State of Alabama, can they be so received and sold?

Mr. BACON. They could be if there was no conflicting regulation on the part of the Federal authorities.

Mr. CAFFERY. Ah, exactly. Now, I will answer the Senator's question. I say, therefore, it depends upon the question of whichever power is paramount. Which power is paramount? In the absence of Federal legislation, the State law prevails. The State law would be valid in the exercise of a power that belongs to the State, the police power, and the Federal law would be valid in the exercise of a power that belongs to the Federal Government, the power to regulate commerce. When these two conflict, which is subordinated to the other and which, therefore, is to be looked to?

I say, Mr. President, that that state of affairs in the administration of a law under the complex system that we live under would rarely come about. I believe that in the execution of a law in the case put due regard would be paid to the wishes of the people of

Alabama by the Federal authorities; and I believe if they had or were exercising jurisdiction in the premises that the Federal authorities having charge of the shipment of or control over the quarantine of goods in the case put—from New Orleans to Alabama—would be very loath to shove upon the people of Alabama goods which they thought ought not to be brought in on account of the danger of infection.

The Senator supposes an extreme case, but I will meet his case, and say that those goods, if permitted by the United States quarantine officials to be shipped from the city of New Orleans to the city of Montgomery, could be shipped there under the authority of the case of *Brown vs. Maryland*.

Mr. BACON. And the municipal and State authorities could not stop them?

Mr. CAFFERY. The municipal or State authorities could not stop them. That is not to say, Mr. President, that those goods could be scattered all over the State of Alabama. The Federal authority given in the case supposed would be limited to the shipment then and there; it would not give authority to let those goods go wherever the consignee wanted them to go; but so far as that particular shipment is concerned, if the United States have any power in the premises at all, then, under that condition of affairs, the United States authority being paramount, the goods would certainly have to be admitted for the purpose only of the immediate transaction and limited and controlled by it.

Mr. BACON. And it is that result the Senator seeks to secure by the passage of this bill?

Mr. CAFFERY. The Senator can not charge me with desiring to thrust upon an unwilling people goods infected, for, if let in to a place by the order of a Federal quarantine officer, they would be disinfected—

Mr. BACON. The Senator certainly did not understand me in that way.

Mr. CAFFERY. That is the import of your language.

Mr. BACON. I beg to assure the Senator that I did not mean to say that he wished to distribute yellow fever, whether it originated in New Orleans or elsewhere.

Mr. CAFFERY. You said by the instrumentality of a bill which I favor.

Mr. BACON. I said the effect of the law which the Senator seeks to have enacted will result in giving to the Federal officials power by which they can do it; not that the Senator would desire that particular thing to be done.

Mr. CAFFERY. Oh, Mr. President, that is the old mediæval idea. With this terrible responsibility resting upon the executors of this law, the terrible loss of life, the destruction of property that might result from a careless or an ignorant administration of this law, does the Senator suppose that less care will be taken in the premises by United States officials than any State would exercise in its own behalf? Is your quarantine a perpetual embargo? Is there no period when you say that people and goods can be transmitted? Is your idea of a quarantine a complete isolation—nonintercourse?

Mr. BACON. If necessary, yes.

Mr. CAFFERY. The idea of quarantine is after certain detention and a certain application of scientific remedies to permit people and goods to travel and to circulate. Why, sir, you would paralyze the commerce of the United States. The authority

somewhere must exist to say when and under what conditions it is safe for people and goods to travel. You say that it is the authority of Alabama, or Mississippi, or Louisiana, or Florida. I say it is the Federal authority. Some authority must say it; some power must have the final decision of this matter. You want to restrict it to each State acting separately; one State may have good quarantine and another none or an inefficient one. The evils and the dreadful results of these State quarantines I, perhaps, have felt a little more than the Senator from Georgia.

Mr. BACON. Will the Senator permit me? I do not wish to be misunderstood.

Mr. CAFFERY. I yield to the Senator.

Mr. BACON. The Senator will not go further than I will in the effort to secure a law which shall give to the Federal Government all the power which it can possibly exercise in the way of restraint and in the way of an efficient quarantine. The only thing I object to is that, while I am willing for that, I am unwilling that the Federal authority shall have the right to prohibit a State or a municipality from also having its quarantine. It certainly will not impair the efficiency of the Federal quarantine to have it added to by the power of the State or of the municipality.

Mr. CAFFERY. I have said nothing, Mr. President, from which by the most strained construction anybody can deduce the conclusion that I want to bar any State from having as many police regulations in regard to health or other matters pertaining to the police jurisdiction of the State as the State in its discretion may see fit to adopt. The State can have just as many quarantines as it pleases; but anybody can see from the example put by the Senator from Georgia the very limited scope and extent of the Federal authority.

The Federal authority can not say to a State. "You have got to let the goods of Louisiana in ad libitum." It is not likely that the goods of Louisiana from an infected district would be ordered, in the first place, by the citizens of Alabama. The principle of self-preservation would come into play. But the Federal permission can only extend to a particular commercial transaction; and therefore this wide and extensive and comprehensive authority that you say the Federal Government wants to exercise does not exist and can not exist in the nature of things.

But somebody, says the Senator, can do it: some authority can say whether it is safe or not. Where the authorities of the city of Montgomery might want to introduce these woolen articles, the authorities of Selma would raise a shotgun quarantine and say, "You can not introduce them." So every little municipality is quarantining against every other, and the condition of affairs, when panic seizes the minds of the people in these epidemics, is a condition of war. The people seem to go into the elements of barbarity and savagery.

Science has discovered a method of making safe the transmission of goods and passengers. That principle seems to be ignored. In all this contention it is supposed that this commercial power of Congress is only invoked in order to shove the yellow fever or cholera or the plague upon an unwilling people. Because these diseases can be controlled, the infection destroyed, the contamination removed, is precisely the reason we want an efficient arm to perform that service and to render both life and property secure from the attacks of disease.

The idea that prevails in the mind of the Senator from Georgia

appears to be that modern science is unable to cope with these formidable diseases. I can tell him that for the last nineteen years yellow fever has been isolated and eradicated in the city of New Orleans. The old plan used to be when it came in that everybody ran off. Now the plan is to isolate the disease, to put a cordon of guards around the house where it exists, to use bichloride of mercury and the fumes of sulphur and other compounds which are germ destroyers, and after a certain fumigation, after a certain application of these remedies, the premises are safe, the germ is destroyed, and both life and property are saved. That is precisely the means that I want to be invoked in this instance.

Mr. MALLORY. Will the Senator allow me?

Mr. CAFFERY. Certainly.

Mr. MALLORY. Was that resorted to in New Orleans last fall?

Mr. CAFFERY. It was.

Mr. MALLORY. Did it check the epidemic?

Mr. CAFFERY. I will tell the Senator the conditions that then prevailed in the city of New Orleans. The town of Ocean Springs, on the Alabama coast, is a famous summer resort for the citizens of New Orleans. It borders the Gulf, or an arm of the Gulf; it is a very delightful resort: and a number of the citizens of New Orleans were there.

The first disease that broke out there was called the dengue. It soon spread with great rapidity, and everybody was down sick, as it was said, with the dengue. After investigation it was shown that some persons had died of the yellow fever. I believe the first case was a doctor of the city of New Orleans by the name of Bemis, and the autopsy upon his body showed that the disease of which he died was yellow fever. All the denizens of New Orleans who were then sojourning at Ocean Springs, after discovering that there was yellow fever there, from the autopsy on the body of Dr. Bemis, who had been at Ocean Springs, immediately returned thence to the city of New Orleans, and they located about in different portions of the city to the number of many hundreds, I am told, and the disease broke out here and there all over the city.

There was not the means to isolate, and when the disease got into the portion of the city inhabited by the Italians and some of the poorer orders of the population, they would not permit the doctors who visited them to report the cases of yellow fever, so that the system of disinfection could be resorted to. The consequence was that the disease spread all over the city. I can say to the Senator from Florida that it was not because of the failure of the principle of isolation and disinfection, but because of the inability of that city, on account of the peculiar circumstances, the enormous grasp which the disease had, the extent to which it had gone, and the failure to report the cases of yellow fever that I have mentioned, that the apparent failure of the principle of isolation occurred.

Mr. MALLORY. But it is a fact that efforts were made to check it in the city of New Orleans?

Mr. CAFFERY. Yes, sir.

Mr. MALLORY. By the methods that the Senator has mentioned?

Mr. CAFFERY. Yes, sir.

Mr. MALLORY. And nevertheless it did not check it to the extent of killing the disease.

Mr. CAFFERY. I know an example that occurred right in

my little town, and I will narrate it. I will give proof positive of the superiority of the modern system of treating yellow fever over the old system. I live near a small city called Franklin, in the State of Louisiana. In 1854 the yellow fever visited that town. It was a town the population of which did not exceed a thousand inhabitants. As soon as the yellow fever made its appearance, some time in the latter part of October, everybody who could leave town left it.

The yellow fever decimated that population. It killed fully 50 per cent of the inhabitants who were left, and it died out from want of fuel. Everybody had it who could take it, and when the frost came the refugees returned. No yellow fever occurred in that town from that date until 1897. In 1897 a man died there three or four days before I left for Washington. He was an Italian tailor. There was a shotgun quarantine for 100 miles between New Orleans and Franklin. Nobody could tell how that yellow fever got in. It did get in; the tailor died.

Dr. Carter, a most efficient, able, conscientious physician belonging to the medical corps of the Marine-Hospital Service, was telegraphed for. He came. There was some doubt about the yellow fever. He is an expert in the diagnosis of yellow fever. He pronounced the case yellow fever. What did he do? He ordered the man's family to be removed from the house in which they lived and in which he died to a barge in the bayou. It was moored in the stream. He put a cordon of guards around it and on it. No intercourse with the barge was allowed except by immunes. The disease communicated itself to one member of the immediate family of the dead tailor and to other parties who had communication with the family of the stricken man. Three deaths occurred. He fumigated the premises. He disinfected every place where the yellow fever had found lodgment. Three deaths and 8 cases occurred, as against 200 in 1854. The population of that town now is over 3,000.

There is a complete demonstration, not only of the ease and facility and proficiency that this disinfecting process can be used, but it is an instance of the efficiency of the surgeons of the Marine-Hospital Service. I can say to the Senator from Georgia and to the Senators here that all through the part of Louisiana with which I am conversant the people have the most unbounded confidence in the medical corps of the Marine-Hospital Service. I can speak, not only of Dr. Carter, but of Dr. Geddings, another attaché of the medical service. Dr. Geddings, by an implication, not by a direct charge, in a statement from Dr. Porter quoted by the Senator from Florida [Mr. MALLORY], is charged with some sort of negligence or ignorance, I do not know which. Dr. Geddings was down there. He and Dr. Carter rendered invaluable service to that community, not only in the city of New Orleans, but to the whole agricultural interest.

While upon this branch I will mention another service that they performed. The yellow fever was flagrant in New Orleans in October. October is the period of the year when the sugar crop is about to be harvested. In the harvesting of the sugar crop about 75 per cent more hands are employed on the plantations than in cultivating the crop. Among those hands are a great many skilled artisans—sugar boilers, engineers, and handlers of machinery in various ways, for there is a great deal of machinery about a sugarhouse. Local quarantines were everywhere. It

looked like a country in a condition of war. You were met at every 5 or 10 miles by a guard, armed to the teeth, challenging questioning, examining into your every movement.

It was utterly impossible to get hands from abroad, from Mississippi and Alabama and other States from which the plantations in Louisiana draw their supply of hands. Dr. Carter established a detention camp about 15 miles out from the city of New Orleans. He and the State health authorities entered into an agreement to the effect that all workmen destined for sugar plantations, after remaining in this camp of detention for a certain period, should be released, after being subjected to the regimen required at this camp in order to free them from disease. A great many, I think, came right out of New Orleans, as most of the mechanics did, and after a certain period were allowed to go to the plantations and go to work.

A large portion of the sugar crop of Louisiana was to be taken off by these hands. They were given their certificates after the period of detention. They went to the plantations; they took off the crops, and not one single case of yellow fever was communicated to anybody from the camp of detention.

Mr. President, without an authority that can act with the celerity and the power and the certainty of the United States in case of such an epidemic as they had last year, that swept over the land like a besom of destruction, how is it possible for people either to be saved or to transact the ordinary and necessary concerns of life? It is human life, first, that is to be saved. It is the necessities of human life, second, that must be administered to.

Mr. BACON. Now, if the Senator will permit one final interruption, I will not trouble him any more. He has been very kind. I want to ask the Senator right in that line if he would be willing to agree to this amendment to the pending bill, letting all the provisions in it stand and then follow it with this:

Nothing in this act shall be construed to interfere with the right of any State or municipality to protect its citizens from infectious, contagious, or epidemic diseases by such rules or regulations as the authorities of the said State or municipality may deem necessary.

Giving all the power to the Federal Government that the Senator proposes, would he be willing to add that to the bill? It would simply save to the States and municipalities the right to supplement the efforts of the Federal Government and endeavor to protect themselves by their own measures. Would the Senator be willing for that?

Mr. CAFFERY. There was a similar amendment to the one suggested by the Senator from Georgia proposed by a member of the other House from Mississippi, a distinguished man, an able man, General CATCHINGS. While not prepared to accept it, I can not now, from simply hearing it read, point out any defect in its scope. I have no idea of circumscribing the State power in any particular. I do not want to do it. If the State power were, in my opinion, competent to cope with the question of quarantine in its relation to interstate commerce and travel, I would not have a word to say. But I beg the Senator from Georgia to remember that here is a power given for another purpose, which in its beneficent operation can not only aid but can supplant the State health authorities, because of its greater efficiency, its greater service, its greater regularity, its greater power.

As an illustration of the question propounded by the Senator from Georgia, if the yellow fever were in the city of Atlanta, and

if the city of Macon were to quarantine against the city of Atlanta, no authority would exist in the United States to break down that quarantine of the city of Macon against the city of Atlanta. That is your business; we can not interfere with it. But you have put a question that goes to the roots of this controversy and tests the doctrine to its extreme limit.

In my view no such case as you put will ever occur; but if it does occur, you come to a clash of paramount authority with an inferior one. The illustration of the quarantine of the city of Macon against the city of Atlanta shows the supremacy of internal police power of a State. The case of shipment of goods from New Orleans to Montgomery shows the supremacy of the power of Congress to regulate commerce. In the harmonious action that ought to obtain between Federal authorities and State authorities, and has always heretofore obtained, I do not believe that any of these extreme instances would ever occur.

The prevailing idea in my mind in advocating this bill and in urging it is to stretch out over the country the protective arm of an authority which can reach to every nook and corner of the Republic. If that arm can be stretched out in the execution of an authority and power different from that of the State police power, and it saves life and promotes the commercial interests of the country at the same time, why raise nice questions and put extreme cases of the exercise of the power, so as to throw discredit on a system imperatively needed?

Besides, Mr. President, the brief recapitulation of the statutes in the matter of Federal quarantine that I have given (and I have not referred to the statute of 1890, which is the last one prior to the act of 1893) shows the steady growth of the idea of Federal quarantine. At first it was naturally left to the State authorities exclusively, and why? The answer is perfectly plain. The seaboard in 1799 contained all of the population of the United States. The main population was settled there upon the seacoast line. The interior was but thinly settled, if at all.

No large cities like Memphis and Vicksburg, St. Louis, Cincinnati, and New Orleans, and other cities in the Mississippi Valley existed then. Then there was no use for a Federal quarantine. But now, with the rapidity of travel, with the enormous extent and volume of intercourse between the States, with cities and villages located everywhere in the interior, larger in population, with infinitely larger trade and travel, than existed on the Atlantic seaboard in 1799, it is clear that a system of quarantine competent to protect both the seaboard and the interior is imperatively needed. No move was made to adopt a control over epidemic diseases by the United States until the fearful epidemic of yellow fever of 1878 spread its ravages all over the South and as far up the Mississippi Valley as Memphis.

From that period to date every law that was passed upon the subject gives more and more power to the Federal Government, growing with the increase of commerce and of travel, growing with the ease and rapidity with which disease could be transported from one part of the country to the other.

Hence it is not only the right but the duty of the Federal Government to come in and bear the expense of maintaining the quarantines, which can not be borne and ought not to be borne by the individual States.

Look at my State. Look at the State of the Senator from Mississippi [Mr. WALTHALL] before me. There they are upon the

Gulf. Vessels from the four quarters of the world can come there. We have to provide an extensive machinery for self-preservation. That expense and that preservation redound to the benefit of the whole of the country, as well as the Atlantic Seaboard and the Mississippi Valley.

Should we be called upon to bear this burden of expense? It has to be borne by somebody. I would ask the Senators who are stickling for the exercise of State authority in a direction where State authority can not be efficiently exercised to pause and consider the enormous burden that devolves upon the seacoast ports in keeping out these diseases that are brought from foreign countries.

None of these diseases are indigenous. They are all exotic. They are imported into our country from the foreign countries. The place now toward which the eye of the civilized world is directed, the harbor of Havana, the scene of the tragedy of the blowing up of the *Maine* and perhaps of a tragedy that will convulse this continent and involve the whole civilized world in its consequences, is the prolific breeding place of the germs of yellow fever that destroy our people. Ships from there can enter our ports at any place, and the States must bear that burden of expense in keeping the disease from the balance of the country—

Mr. PASCO. May I interrupt the Senator for a moment?

Mr. CAFFERY. Yes, sir.

Mr. PASCO. Is the question of expense an influential motive with the Senator in advocating the present legislation?

Mr. CAFFERY. It is not entirely, but I say it is a just consideration. It is not the sole motive with me.

Mr. MONEY. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. MONEY. The Senator gave a very interesting description a moment ago of the efficiency by which houses infected were isolated and the disease stamped out by means of a camp of detention, and the army of workmen engaged in the sugar plantations were permitted to go to work without spreading the fever. I desire to ask the Senator whether that was done under Federal or State authority?

Mr. CAFFERY. By the Federal authority.

Mr. MONEY. It was done by the Federal authority?

Mr. CAFFERY. I am not sure but that the State or city health officers cooperated with the surgeons of the Marine-Hospital Service.

Mr. MONEY. Then by the cooperation of State and Federal authorities under the present law it was found amply sufficient to prevent the spread of the disease?

Mr. CAFFERY. The Federal authorities assisted in that emergency.

Mr. MONEY. They volunteered under some authority?

Mr. CAFFERY. They volunteered under the authority of the Surgeon-General.

Mr. MONEY. In other words, whatever may be the law existing permitting the cooperation of State and Federal authorities, it nearly stamped out the disease in the State and prevented its spread.

Mr. CAFFERY. The disease was never stamped out in New Orleans. It was stamped out in my little town of Franklin. I do not want to prejudice my city by any statement as to yellow

fever, but I have been told that a case of very well-defined yellow fever was there last January.

Mr. MONEY. I am told twenty-five people were killed by it this winter. I do not know whether that is true or not.

Mr. CAFFERY. I do not believe that. I think the very open winter that we are having is quite favorable to the development of any latent germs of yellow fever that have escaped the frost, which was not severe enough to kill the germs entirely.

Mr. WALTHALL. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. WALTHALL. I did not exactly understand the Senator's answer to the suggestion made by the Senator from Georgia [Mr. BACON] in relation to his proposed amendment. Do I understand the Senator from Louisiana to say that he would vote for that amendment?

Mr. CAFFERY. No, sir.

Mr. WALTHALL. You will not vote for it?

Mr. CAFFERY. I do not say that I will. I want time to deliberate. I can not answer offhand. I said I was not opposed to the general scope of it as it struck me at first blush, but I will not commit myself to vote for it. I am in favor of any amendment—

Mr. WALTHALL. I wanted to know whether the Senator would vote for it.

Mr. CAFFERY. I am in favor of any amendment that would look toward conserving to the States their proper modicum of police power, and I do not want to set it aside at all in any contingency unless it would interfere with the comprehensive, constitutional, and beneficial working of a Federal law of quarantine.

Mr. President, after this rambling discussion, which has been largely provoked by the number of questions that have been asked of me, I want to go back in my review of the acts to the act of 1890. The act of 1890 ought to be sufficient to convince all doubting Senators as to the ideas that then prevailed in Congress upon the power of the Federal Government over quarantine. The act was passed on the 27th of March, 1890, and it enacted:

That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, smallpox, or plague exists in any State or Territory, or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease.

The said rules and regulations shall be prepared by the Supervising Surgeon-General of the Marine-Hospital Service under the direction of the Secretary of the Treasury. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$500, or imprisonment for not more than two years, or both, in the discretion of the court.

Will my friend, the Senator from Georgia, raise any question as to the operation of this law under the section quoted? Whenever these diseases appear anywhere in any State or Territory the President of the United States is authorized to prevent their spread by such rules and regulations made by the Secretary of the Treasury as are necessary.

Mr. BACON. That much I would favor.

Mr. CAFFERY. Under these rules and regulations he can stop every train; he can cordon any city in the State of Georgia; he can bottle your people up; he can tell them to go when he wants them to go and to stop when he does not want them to go; he can control every vehicle of transportation. He can control every movement of a train. His authority is supreme and plenary. Yet the Senator from Georgia objects because in the pending bill the application of the broad authority given in this act is again asserted.

Mr. BACON. What act is that?

Mr. CAFFERY. It is the act of 1890.

Mr. TILLMAN. Will the Senator from Louisiana yield to me for a moment?

Mr. CAFFERY. Certainly.

Mr. TILLMAN. Do you contend that the act of 1890 supersedes State authority and debars the State authorities from having quarantine regulations?

Mr. CAFFERY. Absolutely, so far as regulating interstate commerce is concerned.

Mr. TILLMAN. How or why?

Mr. CAFFERY. I have been trying to say why for about an hour.

Mr. TILLMAN. But what I mean is, where is there a single line in that act which supersedes State authority?

Mr. CAFFERY. I read about forty lines, I thought.

Mr. BACON. The whole act must be taken together, however, in examining that question.

Mr. TILLMAN. I have read the whole act through. It simply gives concurrent jurisdiction. It certainly does not supersede State authority.

Mr. CAFFERY. There is a principle of law, I believe, that when a power is given to a body which is said to be supreme, the grant of authority confers the whole authority, and therefore the supreme body in the exercise of that authority can set aside any obstacles of an inferior authority. Here is the plenary authority. It can introduce just such measures as it pleases. Suppose that it is necessary to cordon a town? Suppose it is necessary to stop a train? Can a State say that the town can not be cordoned or that the train can not be stopped? These rules are paramount.

Mr. TILLMAN. What we are contending for is that if a State says it was necessary and the Federal authorities say it was not, the Federal authorities shall not supersede the State authorities to police against these diseases.

Mr. CAFFERY. I never heard anybody contend that but the Senator from South Carolina.

Mr. TILLMAN. That is what we are contending for. The whole of us are contending for the preservation of the State power of police regulation.

Mr. CAFFERY. I think the State power of police has been settled by about twenty-five decisions, if not more. The State power of police is one thing; the Federal power of regulating commerce is another thing.

As I have been diverted to that point, I might as well read some authority on it. The very first authority that was ever announced is conclusive, and the only confusion that has arisen has been from a departure from the plain, unambiguous, and comprehensive doctrine laid down in *Gibbons vs. Ogden*. For the benefit of the Senator from South Carolina, I will read that authority.

Mr. TILLMAN. From the amount of books you have got there—

Mr. CAFFERY. I am not going to read all these books to you; I am afraid you could not stand them.

Mr. TILLMAN. No; I could not.

Mr. CAFFERY. In *Gibbons vs. Ogden*, 9 Wheaton, page 203, the chief justice, in rendering the decision, says:

That inspection laws may have a remote and considerable influence on commerce will not be denied, but that a power to regulate commerce is the source from which the right to pass them is derived can not be admitted. The object of inspection laws is to improve the quality of articles produced by the labor of a country; to fit them for exportation, or, if may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce or of commerce among the States and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, or which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, etc., are component parts of this mass.

I do not think, Mr. President, that it is in the power of language to convey a clearer and more comprehensive meaning of what the police powers of the State are than in the language quoted by me from the opinion in 9 Wheaton. The Chief Justice proceeds:

No direct general power over these objects is granted to Congress, and consequently they remain subject to State legislation. If the legislative power of the Union can reach them, it must be for national purposes; it must be where the power is expressly given for a special purpose or is clearly incidental to some power which is expressly given. It is obvious that the Government of the Union in the exercise of its express powers—that, for example, of regulating commerce with foreign nations and among the States—may use means that may also be employed by a State in the exercise of its acknowledged powers—that, for example, of regulating commerce within the State.

If Congress license vessels to sail from one port to another in the same State, the act is supposed to be, necessarily, incidental to the power expressly granted to Congress and implies no claim of a direct power to regulate the purely internal commerce of a State or to act directly on its system of police. So if a State, in passing laws on subjects acknowledged to be within its control and with a view to those subjects, shall adopt a measure of the same character with one which Congress may adopt, it does not derive its authority from the particular power which has been granted, but from some other which remains with the State and may be executed by the same means. All experience shows that the same measures, or measures scarcely distinguishable from each other, may flow from distinct powers; but this does not prove that the powers themselves are identical. Although the means used in their execution may sometimes approach each other so nearly as to be confounded, there are other situations in which they are sufficiently distinct to establish their individuality.

In our complex system, presenting the rare and difficult scheme of one General Government, whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments, which retain and exercise all powers not delegated to the Union, contests respecting power must arise. Were it even otherwise, the measures taken by the respective governments to execute their acknowledged powers, would often be of the same description and might sometimes interfere. This, however, does not prove that the one is exercising, or has a right to exercise, the powers of the other.

I will come now to the concluding portion of the judgment on this particular point. In speaking of the laws of 1796 and 1799, directing the officers of the United States to comply with the quarantine laws of the States and to assist in their execution, the Chief Justice says:

It is undoubtedly true that they do proceed upon that idea—

That is, upon the idea that the State laws in regard to police

were entirely constitutional and within the power of the States to enact—

It is undoubtedly true that they do proceed upon that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States; for they do not imply that such laws are an exercise of that power, or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of the State to provide for the health of its citizens.

But as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has, in some measure, adapted its own legislation to this object, by making provisions in aid of those of the States. But in making these provisions the opinion is unequivocally manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce.

Now, there has never been anything said that so clearly stated the difference between the power to regulate commerce, which is a Federal power, and the power of a State over its police affairs, which is a State power; and Chief Justice Marshall goes on to say that while these two powers coming from different sources may pursue their legitimate course and legitimate function and each operate in its sphere beneficially, yet—and I call the attention of the Senator from South Carolina to this language—whenever it is necessary in the opinion of Congress to control the State law, so far as it acts in opposition or is contradictory to or inconsistent with the power of Congress to regulate commerce, then the Congressional power is paramount and the State law is subordinate.

Mr. TILLMAN. Congress, however, never has done that yet in the hundred and twenty-odd years of our national existence.

Mr. CAFFERY. Congress has in every way, shape, and form, wherever it was necessary for uniformity of action, controlled the State power of police not only in this instance, but in every other instance. From 1878 down, as I have stated, there has been a slow but steady and sure advance made in the matter of taking control of quarantine in the exercise of this undisputed and indisputable authority to regulate commerce not only in that branch, but I refer the Senator from South Carolina to the plenary, exclusive, and complete jurisdiction that the Congress of the United States has over the immigration of persons into this country.

From the very commencement of the Government there have been persistent and constant efforts made by the different States to exercise police power over the subject of immigration. In various ways, under various pretexts, and always under color of the exercise of the police power of the States, they have attempted to legislate in regard to immigration. The very first case on that point was the matter of trying to impose a tax upon immigrants arriving in New York in order to keep up a fund for paupers and immigrants who had to be supported.

The decision in the case of *New York vs. Miln* was that the police power exhausted itself in the matter of requiring from the master of a vessel a statement of the age, residence, and occupation of the immigrant; and from that period down to the time when Congress assumed complete jurisdiction over immigration the States through different enactments have attempted, under color of the police power, under color of the power of keeping out convicts, diseased people, and paupers, under color of that power

which is as clearly a police power as any power exercised by them as a health law, they have attempted to regulate that large branch of commerce, and they have always failed.

Whenever there has been a decision on the point, it has been that the Congressional power was supreme and the State authority could not be exercised. So this decision of Chief Justice Marshall is a guide to-day for legislation on this very important matter of the public health. The powers come from different sources.

In language as broad and clear as the English language can afford the Chief Justice admits and concedes the police powers of the State. I admit and concede them.

I would be the last man to invade the sacred precincts of State sovereignty, but gentlemen must remember that the Constitution is supreme; that in the enactment of laws under the Constitution the question is as to the ascendancy of the Congressional law over the State law when the latter conflicts with the former, although the State law, as the Chief Justice says in this decision, may be enacted in pursuance of a clear constitutional and undisputed right on its part.

It has been heretofore a question of policy. I have tried to tell the Senate and the Senator from South Carolina why it is necessary now for the Federal power to come in and take charge of the matter of public health.

Mr. TILLMAN. Will the Senator allow me?

Mr. CAFFERY. I will.

Mr. TILLMAN. Without disputing the dictum of the Chief Justice which the Senator has read or the decision as to the paramount law, and acknowledging that the centralizing tendencies of this Government have rapidly absorbed not only the reserved rights of the States, but all rights almost, the question of policy is the one we are discussing rather than the question of legality; and those of us who are in the South and represent States more particularly subject to the inroads of yellow fever, including the Senator's own State, disagree with him, I believe, almost to a man, as to the desirability of obliterating State police regulation.

You want to supersede and destroy, so to speak, the State boards of health and their control over quarantine of any description and kind, and put it absolutely in the power of some bureau in Washington to govern the whole thing, and regulate the whole thing and annul all the regulations and do away with the State control; and to that extent we disagree with you.

Mr. CAFFERY. The Senator from South Carolina asked me a question which indicated his idea that the State police power was exclusive and paramount. I attempted to answer that question by a citation from *Gibbons vs. Ogden*.

Mr. TILLMAN. The only trouble about it is that the courts have always the right to decide what is the police power, and while acknowledging that the police power is paramount in the States, they will say, "This is not the police power, and that is not the police power, and therefore you must get out of the way and give way to commerce."

Mr. CAFFERY. I should like to know who else is going to decide it but the courts.

Mr. TILLMAN. Nobody but the courts; but they always decide in favor of the Federal contention.

Mr. CAFFERY. Now the Senator is upon the line of desirability. Upon that point, of course, people can differ in opinion.

I think the State of Louisiana, on account of her position and climate, her large commercial city so easily invaded by yellow fever, her terrible experiences with yellow fever, is as much entitled to an opinion of the desirability of this law as any other State upon the Gulf or on the Atlantic coast. I thought the Senator was leveling his first inquiry at a question of constitutionality, and I can not discover whether or not the opponents of the bill are really of mind that the police powers of a State are subordinate to the power of the Government in their exercise in any direction or not. The paramount police powers of a State are constantly paraded here and the undesirability of setting them aside is now held before us.

Mr. TILLMAN. Please give me the decision you read from just a moment ago. There is some language there to which I wish to call your attention.

Mr. CAFFERY. It is page 206.

Mr. President, we are told, I will not say with a sneer, but certainly in language implying some contempt, that a little bureau at Washington wants to dictate to some great bureau somewhere in some State. I know something about little bureaus.

I know something about the barbarities and inefficiency of State quarantines. I have heard of brutal and savage acts performed. I have heard of all sorts of inconsistencies, all sorts of caprices, and the idea of a little bureau having authority to keep out and suppress infectious or contagious diseases is not appalling to me. I am not enameored of shotgun quarantines. With that exercise of State police power which brings one portion of the population out in martial array to keep another portion of the population housed up, without anything but powder and lead to kill disease, I am not in sympathy.

In my State every municipality has the power of quarantine. Every town has a different set of regulations. The towns quarantine against the country and the country against the towns, and one town against another, and it is a succession of quarantines. I suppose it is alike in other States in the South. The system is perfectly inefficient. It is arbitrary, tyrannical, cruel, and useless.

Mr. PASCO. If the Senator will allow me, I hope he will not pronounce it inefficient in the State of Florida after acknowledging, as he has done, that there was a successful effort under our State laws to keep yellow fever out of the State during the past summer.

Mr. CAFFERY. I am particularizing no district. Taking the system of State quarantines altogether, from my own standpoint and my own observation, I pronounce them utterly inefficient, utterly unable to cope with disease, utterly powerless in the face of this great enemy, yellow fever or cholera, and the prolific source of panic and fright. They paralyze industry and keep the people walled up in a cordon of shotguns, while death revels in the midst of the palisade of arms. Sir, it is science we want; it is skill we want; it is an authority and power able to cope with the enemy; and if we can get it under the Constitution, if the beneficence of the Constitution can extend to a suffering people a protecting arm in the hour of their misfortune, when funeral cortège after funeral cortège wends to the cemeteries with the victims of disease, then, sir, I say give us this arm, give us this protection.

I do not ask for this bill to infringe any right conserved to the States, and Senators, when pressed, after propounding the most astute and ingenious conundrums in regard to the extent of the

application of the Federal power, confess that it is a matter of expediency after all; it is a matter of proficiency of this branch of the service over another branch of the service; it is simply a question whether these separate and distinct and irregular executions of law in forty-five States are better than one uniform, regular, consistent plan of action proposed by the Federal authority and executed by the Federal authority.

Mr. TILLMAN. Will the Senator allow me?

Mr. CAFFERY. Certainly.

Mr. TILLMAN. Disclaiming any intention to sneer at or ridicule or belittle or in any manner criticise the Federal Marine-Hospital Service, for I certainly have no such purpose. I desire to read out of this very decision which you have read something which presents our side of this question very clearly.

Mr. CAFFERY. Which is your side?

Mr. TILLMAN. If you will wait—

Mr. CAFFERY. I should like to know what side of the question you are on.

Mr. TILLMAN. I am against you absolutely, if you want to know it—

Mr. CAFFERY. I want to know what you are against.

Mr. TILLMAN. And your proposition.

Mr. CAFFERY. What is the precise question as to which you are on the other side from me? That is what I want to know.

Mr. TILLMAN. I contend that there is a State power of police which the Federal Government can not destroy.

Mr. CAFFERY. All right; that is it. What particular power of police is it which it can not destroy?

Mr. TILLMAN. Just wait. Here is an extract from the same decision, in *Gibbons vs. Ogden*, from which you just quoted:

In our complex system—presenting the rare and difficult scheme of one General Government whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments which retain and exercise all powers not delegated to the Union—contests respecting power must arise. Were it even otherwise, the measures taken by the respective governments to execute their acknowledged powers would often be of the same description and might sometimes interfere. This, however, does not prove that the one is exercising, or has a right to exercise, the powers of the other.

Repeating what you have just read:

Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws.

Mr. CAFFERY. Where is the great point in that?

Mr. TILLMAN. The point is that it is never expedient for the Federal authority to intervene and suppress and destroy the police power of the State.

Mr. CAFFERY. Is that a point of law? Do you state that as a proposition of law?

Mr. TILLMAN. I state it as a point of law, because your judge states that there are different powers which can not be ignored.

Mr. CAFFERY. I did not know before that the question of expediency was ever a question of law. I thought law was a rule of conduct, but I am always willing to learn. I do not know now what side of the question the Senator from South Carolina is on, whether he is on the side of the question of the police power being supreme over the Government of the United States or the Government power over the State police power. I am at a loss to know.

Mr. TILLMAN. Let me ask you, then, this question, and perhaps we will get at an understanding after a while. You contend that the Federal authority regulates commerce. That I do not deny. Now, let us suppose that a man with yellow fever, known to have it, starts out of one State and enters the boundaries of another, enters on a ticket, we will say, bought at Charlotte, N. C., for Columbia, in the center of my State. Can we stop him at the boundary of the State, or must he go to the destination, the point to which his ticket reads, which it is within the power of Congress to regulate?

Mr. CAFFERY. Without any Federal quarantine law in the premises?

Mr. TILLMAN. Just simply say with the Federal right to regulate commerce, which you say destroys the police power of the State.

Mr. CAFFERY. With his ticket—

Mr. TILLMAN. The ticket is evidence that it is a case of interstate commerce or of the right which Congress has to regulate interstate commerce as protection against the quarantine powers of the State. I want to know where you would stop him?

Mr. CAFFERY. You can stop him anywhere under that.

Mr. TILLMAN. Why?

Mr. CAFFERY. Because the United States has not made any quarantine law in the premises.

Mr. TILLMAN. We want to stop you from making such a one here now, if you want to know where we are.

Mr. CAFFERY. You are not going to stop me if the Senate does not.

Mr. TILLMAN. Of course not. The Senate is going to do as it pleases. The question with the Senate is what is expedient and proper and constitutional.

Mr. CAFFERY. I am at a loss to know what the Senator from South Carolina stands on. He commences to state a proposition of law and then goes on and illustrates it by statements of fact—

Mr. TILLMAN. I ask you to define the difference between the national power of commerce to let this man go to Columbia and the State power of police to stop him at the boundary: or can it only do that at the termination of his journey, the place to which his interstate ticket permits him to go?

Mr. CAFFERY. I will attempt to do that, if the Senator will just be quiet and not put any more illustrations.

Mr. BURROWS. Does the Senator from Louisiana desire to conclude to-night?

Mr. CAFFERY. I will answer the question, and then I will yield. The State police power is exercised from an independent authority. It is exercised from an authority inherent in the States to take care of and preserve the health, the life, the property, the comfort of its citizens. The Federal power to regulate commerce comes from another source. It comes from the direct language of the Constitution, as the Federal power is derived from grants of enumerated power. Now, so long as Congress does not act in a regulation of commerce which affects the police power, then the police power of the State is paramount. In the case you supposed the ticket would not give the man the privileges of going into a State when the police power of the State prevented him. That is all. That is the answer to the question. Now I am ready to yield.

* * * * *

Wednesday, March 23, 1898.

Mr. CAFFERY. Mr. President, when I last addressed the Senate it was in answer to a question propounded by the Senator from South Carolina [Mr. TILLMAN], substantially as to the extent of the power of Congress to regulate commerce whenever that power came in conflict with the police power of the State.

Mr. President, I concede that all the police powers of a State are reserved to the States. I concede that whatever a State proposes to enact in the way of legislation for the health, the life, the liberty, the convenience, the comfort of its citizens, it has a constitutional right to enact, and it is done in the exercise of inherent sovereignty; but I hold, in the light of the supremacy of the Constitution of the United States and in view of all the decisions that have been rendered on the point, that whenever a State in the exercise of its undisputed police power uses means and methods which come in conflict with the means and methods used by the Congress of the United States in the execution of any of its powers, and notably the power to regulate commerce, the State law is necessarily subordinated or the State means to execute its laws are necessarily subordinated to the supreme and paramount authority of Congress.

After that concession, after that broad statement of the respective powers of the States and the Congress of the United States, I do not see how there can be a conflict of opinion in the application that the pending bill makes of the power possessed by Congress to regulate commerce.

The position taken by the Senator from Florida [Mr. MALLORY] and the Senator from Georgia [Mr. BACON] in my opinion amounts to a practical negation, to a practical obliteration of the Federal power of quarantine. If their doctrine is carried out to its fullest extent, it amounts to a contradiction and to a conflict of authority which would result practically in destroying the Federal system of quarantine.

The Senator from Florida and the Senator from Georgia say that they are perfectly willing for the United States to take hold of the subject of maritime quarantine; that they are perfectly willing for the United States consular officers and medical officers to derive information of the condition of any ship sailing from a foreign port and to fumigate that ship, to subject it to the disinfecting processes now applied by the medical fraternity, and to detain it in quarantine, but they are not willing that, after that quarantine shall have been perfected, after the vessel shall have been disinfected, the bill of health or the certificate of the United States quarantine officers should have power enough and potency enough to allow the ship to enter the harbor, to land its passengers, and to discharge its cargo.

They intimate that they are willing that the quarantine officers of the United States can go into a State, take hold of yellow fever or any other contagious disease in a State; that they can disinfect any infected place; that they can exercise all proper control and jurisdiction to effect that purpose; but when that purpose is effected, when the disease is crushed out, when the germ is destroyed, they hold that the power of the United States in the premises ceases, and the States have a perfect right to say that the disinfected town is an infected town; that the quarantine has been useless; that all the applications of science, all the care, prudence, and vigilance of the Marine-Hospital Corps or any other

corps of doctors is perfectly idle, and that the States can step in and say as against the certificate of the Federal quarantine officers, "We discredit your disinfection, we discredit your work, and we put an embargo on everybody and everything that comes from this town that you say is disinfected; we shall not permit you to enter anywhere."

Now, Mr. President, in so far as their own States go, so far as their internal police is concerned, it is manifest that they have supreme jurisdiction. If they choose to exercise that jurisdiction in a useless manner, if they choose to bottle up a community disinfected after the approved manner of disinfection, that is their lookout; they can do so: they can police every portion of their territory; they can say to one village, "You can not go to another, whether that other has been disinfected or not;" they can say to the inhabitants of a disinfected town, "You can not circulate in the borders of our State."

But where the subject-matter is interstate commerce, where the intercourse is between the States, in the teeth of the Federal quarantine, in the teeth of the Federal permit, what the Federal quarantine says is safe they can not say is unsafe, and they can not pronounce infected what has been pronounced disinfected; and just to the extent of the particular intercourse or the transmission of the particular commodity in question, only so far as it is necessary to perfect the interstate intercourse or circulation of the interstate commodity, can the Federal law reach. It can reach that far, and no further.

If it can not reach that far, the Constitution of the United States is not supreme. If the States can block the way whenever they please of any commercial intercourse between the States or intercourse between the cities of different States, on account of a feared infection, over which the Congress of the United States has jurisdiction and has applied methods through its agents to destroy, to remove, then I say the Constitution of the United States has been written in vain.

The policy that is contended for by my honorable friend from Florida and my honorable friend from Georgia is worse than the mediæval policy. Your policy is one of absolute isolation. You are willing for the United States to wall in everybody, surround them with a cordon of guards, have a corps of doctors to disinfect, and yet you say you are not willing that a soul shall go out unless at the instance and under the authority of the States. Whatever may be the purpose of the exit, whether for interstate commerce or not, the States have a right to bottle up and wall up, to immure, every living soul and every commercial commodity in the United States.

Mr. President, does this comport with the idea of quarantine? Have they not, in their eagerness to maintain what they consider to be the supremacy of the State police power, transcended the very objects of quarantine, gone beyond the very point that the quarantine aims at, and rendered the whole system absolutely futile and useless?

The cross-question that I propounded to the Senator from Georgia illustrates very well the position they assume. They are perfectly willing that the States should say when a city or municipality is free from infection. They are not willing for the United States to say it for United States purposes. That amounts to an embargo; that amounts to an absolute isolation; that amounts to an absolute paralysis. It is undeniable that the power which is

potent to isolate is potent to remove the isolation for the purposes for which the isolation was effected.

Now, under the jurisdiction of the State in regard to this matter of quarantine, what would result? Every municipality is supreme. Every municipality in the State, so far as I know, has a perfect right to say, "We quarantine ourselves." If this doctrine, therefore, that you preach is correct, then you have a community isolated, segregated, cut off in every particular; and there is no power anywhere, whether for Federal purposes or not, able to break through the circle and permit intercourse, however slight.

The State authorities may exercise such a power over internal intercourse and commerce, but when Congress intervenes in behalf of the Union and of commerce the mediaeval structure crumbles, and a qualified intercourse, safe and limited, can be had under the sanction of the Constitution. Why, then, make the quarantines almost or quite as bad as the diseases against which they are laid? You destroy the very purpose and object of the quarantine; and notwithstanding the disclaimer of any constitutional right as against the exertion of the Federal authority in the matter of quarantine, the inference, in my mind, is perfectly clear that the struggle against the predominance of Federal quarantine is a lingering affection for the maintenance of State authority as superior to and paramount to the authority of Congress.

The idea seems to be advanced that there is more security in the administration of a law of this character by persons under State control than by officers under United States control; that a divided control is preferable to sole control; and that in the midst of the invasion or ravages of disease, an army of doctors under different jurisdiction and with different methods is superior to a compact, united, and disciplined corps.

Mr. President, it does seem like a work of surplusage to quote authority on the plain point I was arguing when interrupted by the Senator from South Carolina [Mr. TILLMAN] yesterday evening, but lest there be any doubt upon this question, I will read from authors of approved reputation and standing. I will read first from Black on Constitutional Law, page 195, section 104:

It is within the lawful power of each State to enact laws to guard against the introduction of contagious or infectious diseases from foreign countries. To this end it may establish quarantine stations and provide for the inspection of vessels coming from abroad to ascertain their sanitary condition, and require such vessels to pay a fee to cover the cost of such inspection. Statutes of this character are not regarded as regulations of commerce, but as police laws. At the same time they may and do in a sense affect foreign commerce, and for that reason the subject of quarantine is equally under the control of Congress, and State laws must yield in all points where they are inconsistent with such general regulations as Congress may see fit to impose.

Mr. MALLORY. I did not catch the name of the author from whom the Senator is reading.

Mr. CAFFERY. I am reading from Black on Constitutional Law.

Mr. President, there is the doctrine laid down very clearly. That is the doctrine of Marshall; that is the doctrine of Story; that is the doctrine of Cooley; that is the doctrine of Miller; that is the doctrine of Taney; that is the doctrine of Catron; that is the universally accepted doctrine of all authors and jurists of eminence in the United States.

As a matter of course, there are general assertions made as to the existence and supremacy of State police powers, such as I

made in opening my remarks this afternoon. I concede the police powers of the States, but there has never been a question before the Supreme Court of the United States where the power of Congress to regulate commerce was ever subordinated to the police powers of the States, and there never will be, for, in the nature of things, it is impossible; but every single case has demonstrated the supremacy of the Constitution over the power of the States to regulate their own police affairs whenever the exercise of the constitutional power conflicted with the means used by the States in the execution of their police powers. That is not to say the police powers of the States are not reserved to them, but it is only to say that the supreme instrument, the supreme Government, must, in the execution of its laws, be transcendent or paramount to the exercise of the police power in the State.

I will read from the case of *Morgan vs. Louisiana*, 118 U. S. Reports, page 464:

But it may be conceded that whenever Congress shall undertake to provide for the commercial cities of the United States a general system of quarantine, or shall confide the execution of the details of such a system to a national board of health or to local boards, as may be found expedient, all State laws on the subject will be abrogated, at least so far as the two are inconsistent. But until this is done, the laws of the State on the subject are valid. This follows from two reasons:

1. The act of 1799, the main features of which are embodied in Title LVIII of the Revised Statutes, clearly recognizes the quarantine laws of the States and requires of the officers of the Treasury a conformity to their provisions in dealing with vessels affected by the quarantine system. And this very clearly has relation to laws created after the passage of that statute, as well as to those then in existence; and when by the act of April 29, 1878 (20 Stat., 37), certain powers in this direction were conferred on the Surgeon-General of the Marine-Hospital Service, and consuls and revenue officers were required to contribute services in preventing the importation of disease, it was provided that "there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws," showing very clearly the intention of Congress to adopt these laws, or to recognize the power of the States to pass them.

2. But, aside from this, quarantine laws belong to that class of State legislation which, whether passed with intent to regulate commerce or not, must be admitted to have that effect, and which are valid until displaced or contravened by some legislation of Congress.

That is the correct doctrine. The police powers of the States must be recognized. They were never surrendered in the constitutional compact: they inhere to the sovereignty of the States only with this exception, that they may come in conflict in their exercise with the exercise of other powers on behalf of the Government of the United States: and when that event comes, they must stand to one side. I will read, on page 459, from the opinion of this very eminent jurist, Mr. Justice Miller, who, I am told, was himself a physician at one period, the sentence in this opinion quoted in reference to a city in my own State:

If there is a city in the United States which has need of quarantine laws, it is New Orleans. Although situated over a hundred miles from the Gulf of Mexico, it is the largest city which partakes of its commerce, and more vessels of every character come to and depart from it than any city connected with that commerce. Partaking, as it does, of the liability to diseases of warm climates, and in the same danger as all other seaports of cholera and other contagious and infectious disorders, these are sources of anxiety to its inhabitants, and to all the interior population of the country, who may be affected by their spread among them.

So, therefore, we at the very entrance to the Gulf stand in the character of a sentinel over the health and the safety of the great valley of the Mississippi from invasions of yellow fever and cholera. Surely our people ought to know somewhat of the advisability of quarantine regulations being under the control and charge of the Government of the United States; surely our experience is such as

to teach us the lesson whether or not the health sentinel that we have established at the mouth of the river is sufficient to stand guard over the whole valley and over our own city likewise.

I have no word of criticism or reproach to say to the Senators who advocate the integrity and the maintenance of their State police regulations. It is an honest difference of opinion between us. If these State laws were, in my opinion, capable of keeping out these fell destroyers—if they could only sentinel and guard the outposts which are attacked with these insidious enemies to life—I would be the last one to call in requisition the power of the United States; but, sir, not only has experience demonstrated that these diseases, notwithstanding the State quarantines, get in, but when they are in the country is thrown into panic and its inhabitants into the grave. Every State has different regulations, every municipality in every State has different regulations, and there are miles of quarantines hastily, crudely gotten up, armed with little save the weapons suggested by panic, the Winchester rifle and the shotgun.

Disease requires not exclusively a cordon of living sentinels, but the application of scientific methods of treatment. You may surround any locality anywhere in the South, North, or East with a living guard of human beings, armed to the teeth with Winchester rifles, and you have no security against the intrusion of this dreadful enemy—none on earth. You may have the States like armed camps, with sentinels at every depot, marching by with shotguns on their shoulders, and the disease doing its fell work unobstructed and unhindered.

It occurs to me that we ought to look into the nature, character, and situation of our country, in order to know how to guard it against the introduction and spread of disease. In the beginning of our Government, as I said yesterday, quarantine regulations could be safely left to the different States, and I do not say that there are not efficient quarantine regulations in some States now; but I say, with over 10,000 miles of seacoast to guard, with the interior to guard at every railroad depot, that the regulations which were good from 1799 down to 1878 are to-day valueless and ineffective, as the constant recurrence of yellow fever along all the seaboard in our country and in the interior demonstrates. It was not till 1878 that the interior of the country woke up, and I will ask to have read an extract from a speech of the lamented Senator Harris, of Tennessee, delivered in the Senate of the United States in 1893, when he was arguing in favor of the bill he had introduced in that year.

The PRESIDING OFFICER (Mr. CARTER in the chair.) The Secretary will read as requested.

The Secretary read as follows:

Mr. HARRIS. Mr. President, there is scarcely a sanitary organization in the United States that has not, year by year, and for several years, urged the absolute necessity of an efficient and uniform quarantine system throughout the United States. The only exception that I know of to the absolute uniformity and unanimity of that recommendation comes from a few local boards of health jealous of their positions, jealous of their authority, and perhaps somewhat devoted to the income that results from the execution of their regulations. Some of them have always opposed any attempt by the Federal Government to interfere at all.

Now, what is the plain and unmistakable question for the Senate to decide? The Senator from Louisiana [Mr. WHITE] will not differ with me in the assertion of the power in Congress to regulate commerce with foreign nations and among the several States. Every power granted in this bill is the exercise of that constitutional power to regulate commerce with foreign nations and among the several States. I defy any Senator to point out a single

power granted by the bill that does not legitimately fall within that clause of the Constitution.

The plain, practical question for the Senate to decide is, Shall we have one uniform and efficient system of quarantine regulation throughout the whole country, or shall we have forty-four different systems of commercial regulations? For, if the Federal Government does not exercise the power to regulate commerce in respect to this question of quarantine, the courts have decided, and I think properly decided, that the States may exercise it. The whole theory of the argument of the Senator from Louisiana is that the Federal Government should ignore its power to control these questions and allow the forty-four States each to form its own system of commercial regulations.

I have a somewhat sad experience, which accounts in some degree for any enthusiasm I may have in support of this measure. I chance to live at the head of deep-water navigation of the great Mississippi River. New Orleans rests at the mouth of that great channel of commerce. It is the New Orleans board of health that speaks here to-day through the Senator from that great State, protesting against any exercise of the powers of Congress to regulate commerce in respect to this matter of quarantine. Efficient, and great, and able, and patriotic as the board of health of New Orleans may have always been and may be, I chance to know that the city in which I live has been under my own eye decimated as often as twice by yellow fever, which was allowed to slip through the quarantine regulations of New Orleans either because of the fact that their rules were not sufficient in themselves or not enforced with sufficient vigor.

Memphis has suffered to the extent of the decimation of her population as often as twice, and I have sat there and looked out my window for week after week during the epidemic of 1873 when not a door was opened except the door of the drug store, the doctor's office, and the undertaker's shop. I have walked the street, sir, from my house to the post-office, day by day, to get my mail, and have found not a single door open in that city for weeks except those that I have named. There was not a family in the city which could venture to aid its neighbor because the patients in its own house were so numerous as to demand the attention and the nursing of every member of the family. There was not an object moving on the streets except the hearse, followed by perhaps one carriage or a buggy with the surviving members of the stricken family accompanying the remains of the last victim to the grave. For weeks at a time I have witnessed scenes like those in 1873, and it was worse in 1878.

Are we to be compelled to rely now and always upon the wisdom and the zeal and the energy of a board of health and quarantine authorities which allow things such as these to occur year after year? I protest in the name of the people who are my neighbors, I protest in the name of the whole people of the valley of the Mississippi, against a failure to exercise the power that we unquestionably have, and that they have a right to demand we shall exercise for the security of their lives and their health, even though it may be distasteful to the New Orleans quarantine authorities.

The people of New Orleans are acclimated. There are very few if any adults who reside there who are not exempt from yellow fever, having once had it. Hence they have little or no fear of it, and naturally are not so vigilant in excluding it as the security of the people in the interior demands.

New Orleans has a large and profitable trade with Havana and Vera Cruz, where yellow fever always exists.

If the theory of the Senator from Louisiana prevails, the whole people of the interior States are compelled to rely upon the sufficiency of the regulations made by cities on the seaboard and the sufficiency of their execution by authorities over which they have no control. It is the duty of this Government to exercise its constitutional powers to protect the whole people and not compel the people of interior States to rely entirely upon the States upon the seaboard for their protection, when we know that if a single gate is left open, through which contagion may enter, the whole country must suffer the disastrous consequences of an epidemic.

This bill does not propose to interfere with State quarantines in any way except that where their rules and regulations are not sufficient to protect the people of the country the Federal authority shall step in, in the legitimate exercise of the power to regulate foreign and interstate commerce, and make rules and regulations which will strip that commerce of contagion and protect that people; that is all.

Now, Mr. President, I want to dispose of the pending bill. I think it important to the whole country that it should be promptly passed, and therefore will not consume more time in debate; but I will put into the RECORD the action of the New York Board of Trade and Transportation, sent to me yesterday, in respect to this matter, which I will have put into the RECORD without reading at present.

Mr. CAFFERY. Mr. President, when that speech was made, my then colleague, now Mr. Justice White, of the Supreme Court of

the United States, opposed its passage—and he was its strongest opponent—first, on the ground that the quarantine system at the port of New Orleans was perfect, and on the further ground that the bill then pending was in violation of the power of the States over their own police regulations.

The system of disinfection which is now in vogue was first established by Dr. Joseph Holt, in the city of New Orleans, and at the quarantine station. He was a great physician. He had devoted himself to the study of germicide. He had discovered and applied means and methods whereby the malignant germ of yellow fever could be destroyed by certain applications—steam, sulphur, the bichloride of mercury, and other such compounds.

At that period I myself thought that perhaps the matter of quarantine had better be left to the control of the States; but the last epidemic has convinced me of the utter impossibility—laying aside any question of conflicting jurisdiction between the United States and the States, one in the exercise of its power to regulate commerce and the other in the exercise of its police power—laying aside any question of that sort, I am convinced of the utter inability of the States, with the enormous increase of population, the enormous increase in the volume and the circulation of commodities, of intercourse of individuals, since 1893, for each State on the seacoast to stand sentinel and guard for the interior to prevent the introduction of diseases from foreign countries.

Down in the South Atlantic and Gulf States the climatic conditions are favorable to the rapid spread of yellow fever. It is not indigenous; but when once in, when transplanted, when the malignant germ is conveyed from its habitat somewhere in the tropics to places along the South Atlantic and Gulf seaboard, it multiplies with frightful rapidity and becomes a fearful agent of death.

With the growing commerce, with the growing travel, with the constant passing in and out of vessels and ships and railway trains and every vehicle of transportation, however efficient one State quarantine may be, if there is a gap in the line—if, for instance, the quarantine is inefficient at Mobile and efficient at New Orleans, the dread invader comes in and the whole country is threatened with its destructive power. That is the condition of affairs.

The State board of health of New Orleans sent its representatives here in 1893, and they fought against the bill of 1893, and, without casting any reflections upon anybody, I think the opposition to this bill is somewhat due, and largely due, to the efforts of the State boards of health, in order that their State organizations should not be touched.

But, sir, it is not a question between State organizations and Federal organizations; it is a question of the safety of the lives of the inhabitants of this great country, and it is a question of the security of commercial intercourse in this country under such a system of quarantine as would both keep out disease and allow persons and commodities to circulate from one State to another with safety. That is the question which presses upon my mind. The constitutional doubt has no lodgment at all; it never did have with me.

It is a matter too clear that the Constitution of the United States is paramount to any exercise of police power on the part of the States, and it is a matter to my observation equally as clear that it is beyond the power and capacity of the States, under the present conditions of commerce, to guard themselves and other

States dependent upon them from the encroachments of these terrible diseases. Read, sir, the pathetic utterances of the distinguished Senator from Tennessee; what he saw, what spectacles of death and sorrow and destruction! That is all he witnessed in the terrible epidemic which devastated Memphis, and that scene is common in the South. It is common wherever the yellow fever invades.

The whole Mississippi Valley is a prey to this disease. The whole interior of the country is a prey to it. In England they deride our quarantine system. They say it goes back to the ancient quarantine of the Mediterranean during the Crusades; that it is a legacy of ignorance and savagery. Not so. England is a small, compact territory. By the most excellent and perfect sanitary system in her cities, the fatal germ can not thrive and propagate its death-dealing species. Her climate operates in her behalf.

There is no excessive heat as we have in America in the summer time. The country is small. A person suspect of disease can easily be placed under surveillance, and that is what they do. They let everybody in, resting for the security of the country upon the sanitary regulations of the municipalities and the surveillance of the suspect.

The system of following him up for a certain period and then taking hold of him when stricken to prevent the spread of disease obtains, instead of our system of exclusion and sanitation at the seaboard. That system has been found to work well; but we must have a system of sanitation at the seaboard, and when does the sanitation commence? Under the regulations now in existence it commences on the other side of the water. The sanitation of the ship commences at the port where she clears. It is continued until she arrives at the port of entry. If then there is any suspicion that there is a lingering germ about the ship, the ship is still further subjected to sanitary treatment at the port of entry.

Mr. President, the opponents of this bill say, "We are not satisfied with that system. We not only want the system of the Crusades, which was forty days' detention, but we want a perpetual barrier, we want a perpetual embargo. We are not satisfied with your sanitation." And while they say they adopt the maritime system—they are bound to say it; they can not help but say it, because they can not go there with their police power of a State—they say that when the cargo and passengers shall have gone through the quarantine detention in order to let them land, and they attempt to land, "Oh, no; you are upon the sacred soil of the State. Notwithstanding your scientific precautions, notwithstanding your treatment, notwithstanding your sanitation, notwithstanding the care you have observed in regard to this vessel, you can not come a step unless you have the certificate of a State health officer; and then when you come into the interior you can not go there without another certificate;" and as you go on it is certificate after certificate, it is regulation after regulation, until you have destroyed commerce, destroyed intercourse.

If that system is to work, why have any regulations at all? Why not keep everything out? Why have any intercourse with anybody? The doctrine results in absolute isolation—the absolute destruction of commerce and intercourse. Therefore it occurs to me it ought not to be adopted.

The Marine-Hospital Service seems to evoke some opposition.

Can we have the execution of a law in the hands of perfect administrators?

Suppose somebody says that the present Surgeon-General of the Marine-Hospital Service is not fit for his place, does not know anything about the yellow fever. Does that destroy the system of the Marine-Hospital Bureau? Sir, sometimes the American people say a man is not fit for President of the United States, and yet he may happen to get there. Perhaps the President will die and the Vice-President will come in, and the people would not have elected him. Are you going to have no President because an inefficient President may get in? These arguments against the possible inefficiency of a certain individual to preside over a bureau do not amount to anything, can not amount to anything, and ought not to amount to anything.

So far as I know personally, I gave in my testimony that the present head of the Marine-Hospital Service is well equipped for the functions with which he is charged—the functions of an organizer, the functions of the head of a great bureau. His office is here. He as an organizer, as the head of the Bureau, has able lieutenants in the field. Some of them are now in foreign ports studying the germ of yellow fever. Dr. Geddings is one of these, and they are scattered all over the country everywhere, and all over the world.

I do know that Dr. Guiteras and Dr. Carter, who visited my State in the last yellow-fever epidemic, are men who are an ornament to their profession and great benefactors to our people, in that they suppressed the epidemic, they crushed out the disease; at least it was so in my town. If not entirely through their efforts, it was largely due to them.

Mr. President, I have some literature here, and I will have some of it read. I desire to have read from the quarantine convention of Jacksonville, in order that my friend the Senator from Florida [Mr. PASCO] who sits by me may see what that convention said in 1878 about a national quarantine. I will have some of these extracts read, and I will offer them all to be put in as an appendix to my remarks. I ask the Secretary to read, commencing at page 4, down to page 6, and then, reverting to page 1, to read the recommendations of the President in his message.

The Secretary read as requested. (See Appendix A.)

Mr. CAFFERY. I have some more literature which I will ask the Secretary to read. Let him read from pages 29, 35, 36, 37, and 38, giving some Southern newspaper extracts.

The Secretary read as requested. (See Appendix B.)

Mr. CAFFERY. I ask the Secretary to read the extracts from the New York papers.

The Secretary read as requested. (See Appendix B.)

Mr. CAFFERY. I will introduce all of those extracts from newspapers as a part of my remarks, to be placed in an appendix. [See Appendix B.] Those extracts taken from newspapers published in States all over the Union, from Alabama to Washington, in my opinion clearly indicate the opinions of the thinking masses of the United States on this subject. The expressions from the papers published in the South are as strong as the expressions contained in the papers published in the North. There is a wonderful unanimity of opinion expressed all over the different States through these different newspapers. They look at the subject in a plain, common-sense way. They are not unmindful of

the security of human life, while they are mindful of the necessities and exigencies of commerce, and they take a plain, sensible, businesslike view of the matter.

The truth of the business is that the question has grown to be too big for the States to handle, and it is only a traditional love of State institutions, in my opinion, that is at the bottom of the opposition to a national quarantine.

After the expressions of opinion from papers North, I am at a loss to understand the position taken the first day of this debate by the Senator from New Jersey [Mr. SEWELL]. I am at a loss to understand how he could take a position that a bill of this kind interferes with the autonomy of States. I do not see that Senator in his seat, but I would like to ask him, if he were present, what part of the autonomy of the States the bill interferes with.

What is the autonomy of States, and wherein does the bill interfere with autonomy? Does the autonomy of States consist in their retaining barbarous methods of quarantine? Because the people of New Jersey may think they have ample means and abundant equipment to keep out any infectious disease, does it follow that the States all around the Pacific coast, all up the Atlantic coast, and on the Gulf coast have such appliances and equipments and means? Is the whole United States to be left to the tender mercies of these invading enemies because one or two States happen to be able to protect themselves? Is that the doctrine the Senator from New Jersey relies upon? The statement he made that the South wanted to throw the burden of the expenses of its quarantine regulations upon the North is not worthy an answer.

Mr. President, there is the consensus of opinion of the press of the United States on this very vital subject of national quarantine. There are papers published in the very States of the Senators who are most vigorous in opposition to a bill advocating a national quarantine straight out in favor of doing away with State quarantine. I do not say that those Senators do not represent their States, but I say there must be some ground for the opinion of the editors of those newspapers as to the advisability of a Federal quarantine.

I will send up and make a part of my remarks the opinions of various medical journals on the subject of national quarantine. Where you can get the medical fraternity to speak its unbiased mind I believe that their expressions ought to be entitled to great weight. Where the medical fraternity is represented by State health officers I think their interest in maintaining their position discredits to some extent their statements as to the advisability of Federal quarantine. I ask the Secretary to read an extract from the New England Medical Monthly of the issue of March, 1892, from the Philadelphia Medical Journal, and the Medical Record of New York, and the others I will ask to be inserted as a part of my remarks.

The Secretary read as requested. (See Appendix C.)

Mr. CAFFERY. I send to the desk another document, which is a statement by Dr. Wyman of the functions and management and equipment of the Marine-Hospital Service, the number of its employees, and the work that has been done in various epidemics. I ask that it be inserted in my remarks as an appendix. [See Appendix D.] I ask the Secretary to read under the subhead "Medical corps," on page 2.

The Secretary read as requested. (See Appendix D.)

Mr. CAFFERY. I have some papers here which I wish to introduce, and one letter particularly, addressed to me by the manager of the Southern Pacific Railroad Company, showing the interruptions of trade and the inconsistencies of the quarantines of Louisiana and Texas. I desire to have that letter read, and the remainder of them I shall put in the RECORD hereafter without reading. [See Appendix E.]

The PRESIDING OFFICER (Mr. MANTLE in the chair). The Secretary will read as requested.

The Secretary read as requested. (See Appendix E.)

Mr. HOAR. If the Senator from Louisiana will yield to me for a moment, I have a letter received this morning from Dr. H. P. Walcott, chairman of the Massachusetts State board of health. He is, I suppose, the highest authority in that State and one of the highest in the world on this part of the question, and as his letter strongly reinforces the views of the honorable Senator from Louisiana, perhaps he would like to have that letter also inserted at this point in his speech or printed in the RECORD without reading.

Mr. CAFFERY. I should like to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF HEALTH,
Boston, March 20, 1893.

MY DEAR SIR: I take the liberty of writing to you upon a subject which is, I observe, now under consideration in the Senate—the improvement of the public health service.

Some years ago, when our former highly valued associate, Dr. R. T. Davis, was a member of the House, this board formally expressed its approval of the bill introduced by him for the establishment of a bureau of health.

A measure substantially the same introduced by Senator SPOONER does not seem to have received the approval of the appropriate committee, and the bill reported by Senator VEST gives all the sanitary authority to the Marine-Hospital Service.

Our experience in Massachusetts with boards possessed of extended, varied, and sometimes contradictory functions has not been fortunate. In fact, the general court is now separating into its component parts all that has remained coherent of the old board of health, lunacy, and charity.

This board wishes to convey to you the hope that it may be found possible to give the sanitary work of the country to some board, bureau, or department exclusively devoted to the consideration of sanitary questions and the study of the best means for preventing the ever present communicable diseases which are of so much more real importance than the two exotic diseases which now monopolize public attention.

Yellow fever means nothing to-day for Boston, though twice in the early years of the century epidemics of the disease drove out all who could afford to go. A young man died of yellow fever brought from Jamaica in the Massachusetts general hospital last autumn, and no one here believed that the public health was in peril.

England, not less exposed to disease invasions than we are, finds a complete protection in well-ordered internal sanitary administration. So long as we build all our hopes upon a vexatious system of quarantine we are not likely to be sufficiently careful of our own domestic sanitary arrangements, and it seems to us that a sanitary board at Washington, in much closer relations than have hitherto existed with the various State boards of health, might happily unite the powers of the nation and the individual States more completely than has hitherto been the case.

Very respectfully, yours,

H. P. WALCOTT,
Chairman of the Board.

Hon. GEORGE F. HOAR, Senator.

* * * * *

Wednesday, March 30, 1898.

Mr. CAFFERY. Mr. President, when I was discussing the pending bill some time ago, the question was propounded to me by the Senator from Mississippi [Mr. WALTHALL] whether or not I favored an amendment suggested by the Senator from Georgia [Mr. BACON]. I replied to him that while I was not prepared to say that I would accept the amendment, I thought it was in line with the amendment suggested by a member of the other House, Mr. CATCHINGS, which I had seen, and I then saw no particular objection to it.

I had heard the amendment read, but my hearing is not too acute, and I mistook its terms and scope. After reading the amendment, I am satisfied that it eviscerates this bill and destroys to a large extent existing law in regard to quarantine so far as the Federal authority extends. I could not under any circumstances accept the amendment suggested by the Senator from Georgia with my views of the necessity of a uniform and comprehensive system of quarantine.

I introduced a number of documents and papers relating to the subject, but I had not finished when I was last addressing the Senate, and now I send up and ask to have incorporated in my remarks a paper by Dr. H. R. Carter, surgeon of the Marine-Hospital Service, touching the value of the measures of quarantine resorted to by the United States quarantine officials in various epidemics. I also send up another paper by Dr. Carter, in answer to objections to the mandatory pratique of the Federal quarantine. I also send up a letter from Dr. White, in charge of the immigration bureau at Ellis Island, to Dr. Wyman, Supervising Surgeon-General of the Marine-Hospital Service. I also send up correspondence touching the transfer of the Savannah quarantine station to the Marine-Hospital Service. I ask to have these documents printed in the appendix to my remarks.

The PRESIDING OFFICER (Mr. CANNON in the chair). Is there objection? The Chair hears none.

(The papers referred to will be found in Appendixes F, G, H, and I.)

Mr. WALTHALL. Do these doctors all belong to the Marine-Hospital Service?

Mr. CAFFERY. Yes, sir; those I have noted. I will conclude the remarks which I have to make on this subject by a short history of the Marine-Hospital Service and its work.

The Marine-Hospital Service was inaugurated in 1798. It was originally a charitable institution and founded upon the contributions of seamen to a general fund collected by the customs officers of the United States in order to afford a hospital for sick and disabled seamen. That necessarily engendered medical attendance. It is manifest that sailors visiting every port and every clime are apt to contract the diseases of foreign countries, which, being transported into our country, become epidemic, and therefore that the surgeons and medical officers of the Marine-Hospital Service had and have abundant opportunity to acquaint themselves with diseases of foreign origin which are apt to become epidemic when conveyed into the United States.

This Bureau from a small beginning has grown into the proportions of a department of public health. It is properly under the jurisdiction of the Secretary of the Treasury, for reasons which I

have heretofore adduced. From 2 surgeons, as originally constituted, there are 116 medical officers attached to that Bureau. From a very small number of seamen treated in the beginning there are now about 50,000 seamen treated annually in the marine hospitals of the United States. From a mere medical attention to disabled seamen the scope of the services of the medical officers of the service now embraces the charge of 11 quarantine stations, constituted by statute, the charge of the examination of all officers of the Revenue-Cutter Service, of the Life-Saving Service, and the examination, I believe, of a portion of the naval service.

The members of the medical corps of the Marine-Hospital Service undergo a most strict examination. They are graduates of medical colleges of the highest reputation. They come from the Medical College of Maine; Western Reserve Medical College; Jefferson Medical College, Philadelphia; Pennsylvania Medical College; Chicago Medical College; Rush Medical College; University of Georgetown, District of Columbia; University of Michigan; Columbian College, Washington, D. C.; Bellevue Hospital Medical College, New York; National Medical College, Washington, D. C.; University of Pennsylvania; University of Maryland; College of Physicians and Surgeons, New York; College of Physicians and Surgeons, Baltimore; College of Physicians and Surgeons, Boston; Dartmouth Medical College, New Hampshire; McGill College, Montreal, Canada; Harvard Medical School, Boston; Howard University, Washington, D. C.; Medical College, South Carolina; Virginia Medical College; University of Virginia; Miami Medical School, Cincinnati; Long Island Medical College, New York; St. Louis Medical College.

So it will be seen that the surgeons of the Marine-Hospital Service come from every medical college almost in the United States, and those medical colleges rank among the highest in the United States. Therefore it is to be presumed that the officers are well and abundantly equipped for the service.

Mr. WALTHALL. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. WALTHALL. Are those medical officers required to have any experience in the treatment of contagious diseases, such as yellow fever? Is that a prerequisite?

Mr. CAFFERY. I do not know that that is a prerequisite.

Mr. WALTHALL. It is of great importance.

Mr. CAFFERY. But I do know that the most experienced and well-equipped yellow-fever experts in the United States belong to the medical corps of the Marine-Hospital Service. They have to have a first-class medical education to commence with. They are then examined with great care by a corps of medical examiners, and after examination they are admitted as acting surgeons.

Mr. WALTHALL. Did the Senator hear the statement of the Senator from Florida [Mr. MALLORY] the other day, that when he went to visit the Ship Island quarantine station as a member of the committee he found that the medical officer in charge there had seen but one case of yellow fever in his life?

Mr. CAFFERY. I have some remembrance of it.

Mr. WALTHALL. It does not comport exactly with the Senator's statement.

Mr. CAFFERY. I beg pardon of the Senator from Mississippi, I think it comports very well with my statement, because it is quite possible that in some locality where yellow fever is not

prevalent there may be an officer who has never seen more than one case of yellow fever.

Mr. WALTHALL. That is not such a locality.

Mr. CAFFERY. It is not necessary for an officer to be stationed there who is a yellow-fever expert when there is no yellow fever. I understand this medical corps is an elastic corps.

Mr. WALTHALL. If the Senator will allow me, the officer referred to by the Senator from Florida was a quarantine officer. I should think he ought to know something about yellow fever.

Mr. CAFFERY. Certainly. I do not say that the service is absolutely perfect. My knowledge of the service is only gathered from the history of its work, particularly in yellow-fever epidemics, and the success of the efforts of the medical corps both in keeping out yellow fever and other epidemic diseases and in suppressing those diseases after they have gained entrance into a State. It may be that while the physician at the quarantine station at Ship Island had seen but one case of yellow fever he was a considerable expert in the matter of yellow fever. One case is enough.

Mr. MALLORY. He had not seen a case before last summer. That is what I stated.

Mr. WALTHALL. He had not seen any case before last summer, and then only one.

Mr. CAFFERY. That, perhaps, can be accounted for by the fact that he was the resident physician, and when the yellow fever was declared epidemic and became flagrant there were sent to this point experts in yellow fever by this same medical corps.

Mr. WALTHALL. May I ask the Senator a question?

Mr. CAFFERY. Certainly.

Mr. WALTHALL. Can the Senator tell us whether the Supervising Surgeon-General himself ever saw a single case of yellow fever?

Mr. CAFFERY. I can not.

Mr. GALLINGER. Will the Senator from Louisiana permit me?

Mr. CAFFERY. Certainly.

Mr. GALLINGER. I should like to ask the Senator from Louisiana whether he knows of any reason why, if health matters and quarantine matters pass from the control of the Marine-Hospital Service into the hands of a commission, they will have a larger corps of physicians who have had experience in yellow fever than the Marine-Hospital Service has?

Mr. CAFFERY. None in the world.

Mr. GALLINGER. None in the world. Is it not a fact, I will ask the Senator, that the experts in yellow fever and other infectious diseases, as well as the leading men of the profession, will not be employed either by the Marine-Hospital Service or a commission? They have other work to do that is more important and profitable to them. Is not that a fact?

Mr. CAFFERY. So far as the State health officers are concerned that is true, but there are a number of yellow-fever experts attached to the Marine-Hospital Service.

Mr. GALLINGER. Precisely; and I was about to suggest to the Senator what very likely he has stated. I have not been permitted to listen to this discussion. Is it not a fact that the Marine-Hospital Service have men like Dr. Guiteras, trained in the treatment of yellow fever and other infectious diseases, who are sent to those points when yellow fever exists?

Mr. CAFFERY. Precisely.

Mr. GALLINGER. And under their direction an epidemic is controlled?

Mr. CAFFERY. Precisely. That is substantially what I stated in answer to the inquiry of the Senator from Mississippi in that regard—that this service is an elastic one. In my opinion, while it may be necessary at a port where yellow fever is likely to come in to have stationed there permanently a yellow-fever expert, yet if yellow fever is not prevalent and the physician at the quarantine station is perfectly competent to disinfect ships and kill the germs, there may not be an immediate necessity for an expert: but the very moment yellow fever is declared the Medical Corps of the Marine-Hospital Service has at command the best experts in the United States, and they are immediately sent to the scene of danger.

They commence their disinfection process; they stamp out the disease: and it is perfectly easy for the resident physicians, by a species of disinfection which is now applied to all incoming ships from yellow-fever or other infectious districts, to stamp out this disease, and it is only when it appears that it is necessary to have the presence of experts.

I was going on to state generally the equipment of this medical corps. I stated the practice of colleges represented in the medical corps by graduates of those colleges now in that corps, and I will now state some of the work that this corps has done in yellow fever.

The Marine-Hospital Service took charge and control of the epidemic of yellow fever in Brunswick, Ga., in 1893. They took charge and control of the yellow-fever epidemic in Texas in 1882 and in Florida in 1888. They have taken charge of the smallpox wherever it has appeared upon the border of the United States and Canada and in other places. They have succeeded in a most wonderful degree preventing the introduction of cholera into the United States.

Mr. President, let me read a statement in regard to the success of the applications of the Marine-Hospital Service physicians as to preventing cholera from being introduced into the United States. I read from a statement I have already placed in the RECORD:

After cholera had been declared epidemic in Naples, three vessels left for the United States—the *Masilia*, *Weser*, and *Cashmere*—and all were made to conform to the regulations. They all arrived at the port of New York with no cholera en route or at time of arrival. During the same period four vessels with the same class of passengers and their places of origin similar, in many cases identical, the water and food supply being the same as on the vessels for the United States, left for South America, and all were turned back by the South American authorities and returned to Naples. One, the *Vincenzia Florida*, had about 50 deaths; the *Andrea Gloria*, 90 on the way out—total not ascertained; another 84 deaths, and the fourth, 230 deaths from cholera.

Here were seven vessels leaving Naples, three for the United States and four for South American ports. Under the disinfection process adopted and applied by the medical corps of the Marine-Hospital Service, those vessels which cleared for the United States were disinfected and the cholera germ destroyed. They arrived in the city of New York and not one single death occurred from cholera. The other four, due for places in South America, which were not subjected to the treatment the three were that entered the port of New York, coming from the same place, with the same kind of passengers, with the same supply of food and

water, suffered to the extent of 238 deaths. There, sir, in that one single instance is conclusive proof of the necessity of a maritime quarantine.

I have argued, and I argue still, that the same power which has jurisdiction over maritime quarantine ought to have power over interstate quarantine, because of the necessity of quick and concerted action, because of the greater ability of the United States medical corps to treat these diseases, which from the nature of their occupation they are familiar with, and because of the abundance of means which the United States can supply and does supply.

Mr. President, there are eleven United States quarantine stations. They are at the Delaware Breakwater; Reedy Island, Delaware River; Cape Charles, Virginia; Blackbeard Island, Sapelo Sound, Georgia; Brunswick, Ga.; Dry Tortugas, Florida; Ship Island, Gulf of Mexico; San Diego, Cal.; Angel Island, San Francisco Bay, California; Port Townsend, Wash.; Cape Fear Quarantine, Southport, N. C.

Besides, under the law as it now exists this medical corps is represented at every consular port in foreign countries where contagious diseases that visit the United States originate—cholera, yellow fever, bubonic plague, and such diseases. It is their province and duty to make a complete study of these diseases, so that ships from those countries may be subjected to the proper scientific treatment and made so free of disease that they can enter the ports of the United States.

Now, Mr. President, I have been for some days discussing this question, having been delayed by the memorial services which have taken place in this body in honor of the memory of the late Senator from South Carolina, Mr. Earle, and a late member of the House, Mr. Simpkins. This subject is one of great moment to the whole United States. I have no pride of opinion as to the best means of preventing yellow fever, or as to the best branch to execute any law that Congress in its wisdom sees fit to adopt. My whole purpose, my whole desire, is to relieve the country from these dreadful visitations and to place the United States upon a basis where some kind of intercourse between its citizens may be had safe and secure during the prevalence of these fearful visitations.

APPENDIX A.

EXTRACT FROM THE PRESIDENT'S MESSAGE, DECEMBER 6, 1897.

The recent prevalence of yellow fever in a number of cities and towns throughout the South has resulted in much disturbance of commerce and demonstrated the necessity of such amendments to our quarantine laws as will make the regulations of the national quarantine authorities paramount. The Secretary of the Treasury, in the portion of his report relating to the operation of the Marine-Hospital Service, calls attention to the defects in the present quarantine laws and recommends amendments thereto which will give the Treasury Department the requisite authority to prevent the invasion of epidemic diseases from foreign countries, and in times of emergency, like that of the past summer, will add to the efficiency of the sanitary measures for the protection of the people and at the same time prevent unnecessary restriction of commerce. I concur in his recommendation.

EXTRACT FROM ANNUAL REPORT OF THE SECRETARY OF THE
TREASURY FOR THE YEAR 1897.

NATIONAL QUARANTINE LAW.

The Surgeon-General reports the necessity for a strictly national quarantine law, to which attention has been called in previous reports. In his report for 1896 there were shown the unequal benefits and at the same time the danger involved in the operations of the present quarantine law, that of February 15, 1893, which permits State and local quarantines to be conducted under their own rules and regulations, provided, in the opinion of the Secretary, additional rules and regulations are not required. The Surgeon-General maintains that the national quarantine regulations should be made paramount. He states that under the provision of the law which requires him to aid in the execution and enforcement of State and local quarantine regulations claim has frequently been made by local authorities that this is the chief intent of the law, and that, however absurd and unnecessary local quarantine regulations may be, the Marine-Hospital Service is bound to aid in the enforcement of them.

He recommends that the law of 1893 be amended so that its effect shall be to make national quarantine regulations paramount and to prevent interference with their enforcement by any State or local legislation. This feature of the law should apply to both maritime and interstate quarantine. Its necessity with regard to maritime quarantine has been amply demonstrated, as shown in previous annual reports. With regard to interstate quarantine, its necessity has been forcibly revealed during the recent epidemic of yellow fever in the South, when local quarantine authorities placed restrictions which not only paralyzed commerce, but prevented the exercise of their full duties by the officers of the Government in their efforts to prevent the disease spreading from one section to another. It is suggested that the law should be so framed that it will be within the province of the Secretary of the Treasury promptly to establish a quarantine station without regard to the State or local quarantine at whatever points and at any time that he may deem it necessary for the public safety to take such action.

RESOLUTIONS OF LEGISLATURES, BOARDS OF TRADE, MEDICAL
ASSOCIATIONS, ETC.

The New York Chamber of Commerce in 1871 passed the following resolution:

"That the committee on foreign commerce be instructed to prepare a memorial to Congress asking such legislation of that body as shall serve to place the subject of quarantine and immigration under the charge of the General Government."

Pensacola (Fla.) Chamber of Commerce, October 11, 1894, passed the following:

"Resolved, That the time has arrived when the future growth of Pensacola as a shipping port demands the free entry of all shipping under the supervision of the United States Marine-Hospital Service."

Report of the special committee of the Chamber of Commerce of the State of New York on quarantine at the port of New York during the cholera of 1892:

"Resolved, That the chamber of commerce memorialize the President and the Congress of the United States to enact as speed-

ily as may be a suitable law placing the control of quarantine at New York and at all other places under national control.

"Resolved, That the attention of Congress is respectfully directed to the injurious influences that continued indiscriminate immigration may have upon the welfare of this country, in the hope that careful investigation relative thereto may be promptly had.

* * * * *

"All of which is respectfully submitted.

"ALEXANDER E. ORR,

"SETH LOW.

"SAMUEL D. BABCOCK,

"J. PIERPONT MORGAN,

"Special Committee.

"NEW YORK, December 13, 1892."

Report of the New York Board of Trade on national quarantine, dated January 6, 1896, the conclusion of which is as follows:

"The conclusion of your committee, therefore, is that it is essential to the safety of our people and the protection of their lives that a national quarantine system be established in the United States at the earliest possible day. We believe that to be effective the system adopted must be national, and that any systems maintained at ports of entry under State or local control should not be allowed to conflict or hinder the national system."

Resolutions by the physicians of the State of Illinois on national control of quarantine:

"We therefore come to you as medical men simply to express most earnestly our convictions that whatever form your legislative action may assume, its outcome should be the establishment at once of a complete quarantine system, without reserve, under national control, paramount to all local systems and as comprehensive in its scope and power as constitutional limitations will permit."

Resolutions of the Philadelphia Maritime Exchange:

"PHILADELPHIA, December 31, 1892.

"At an adjourned meeting of the board of directors of the Philadelphia Maritime Exchange, held this day, the following preamble and resolutions were unanimously adopted:

"Whereas a circular dated December 21, 1892, was mailed to each member of the Philadelphia Maritime Exchange, also to about 3,700 prominent business men and organizations of the city of Philadelphia, asking what system of quarantine they favored; and

"Whereas the replies received are almost unanimous in favor of a national quarantine: Be it, and it is hereby,

"Resolved, That the Philadelphia Maritime Exchange earnestly advocates the immediate passage by Congress of a law establishing Federal quarantine throughout the United States on the lines laid down by the Secretary of the Treasury in his recent annual report, believing that such a law would insure a uniform, modern, and scientific quarantine throughout the whole country and give maximum protection, with no unnecessary restrictions upon commerce, and at the lowest cost: it is further

"Resolved, That both Houses of Congress be petitioned to pass such a law, and to pass it at once, so that the Marine-Hospital Service within the next four months may be enabled to complete all necessary preparations for keeping out cholera; it is further

"Resolved, That the Philadelphia Congressional delegation be

urged to use every effort to have such a law passed at once: it is further

"Resolved, That the Board of Trade, the Commercial Exchange, the Manufacturers' Club, the Trades League, and the Vessel Owners and Captains' Association, all of Philadelphia, and the maritime exchanges or associations of New York, Boston, and Baltimore be asked to cooperate in obtaining the legislation referred to; and it is further

"Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Secretary of the Treasury, the Supervising Surgeon-General of the Marine-Hospital Service, the governor of the State of Pennsylvania, the State board of health of Pennsylvania, the Philadelphia board of health, and to the Chamber of Commerce of the State of New York."

Resolutions of the Tri-State Medical Association of Tennessee, Alabama, and Georgia, October, 1897:

"Resolved. That the recent outbreak of yellow fever in the South, and the numerous conflicting State and municipal quarantine regulations emphasize the great need of national quarantine laws which are uniform and protective.

"Resolved, That the Tri-State Medical Association, in convention assembled, hereby urges upon Congress the necessity of national quarantine laws which shall give exclusive charge of quarantine to the United States Marine-Hospital Service in connection with the development of cholera, yellow fever, smallpox, and plague."

The American Medical Association, in June, 1873, appointed a committee to urge on Congress the passage of an act for a national quarantine.

The quarantine convention in Jacksonville, February, 1878, adopted a report asking that a uniform and efficient system of quarantine should be adopted and administered by the National Government.

Resolutions adopted by the board of health, Mobile, Ala., October 9, 1873:

"Resolved, Inasmuch as no quarantine measures of our seaports can be effective against the importation of disease without uniformity in time and method, that Congress be memorialized to establish a uniform system of quarantine under national supervision."

Resolutions of the Georgia legislature, 1897:

"Whereas the present epidemic of yellow fever in the South has demonstrated that the local authorities are insufficient to prevent the introduction and spread of epidemic diseases, principally because of want of uniform regulations governing health affairs; and

"Whereas the health regulations now in force, viz, State, municipal, and county, each dependent on the other, and one frequently conflicting with another, have proven disastrous to travel, State and interstate commerce, and business generally; and

"Whereas it is desirable in the interest of the public health and State and interstate commerce to provide for a more uniform system of quarantine; and

"Whereas the regulations of the United States Marine-Hospital Service are framed with due regard to local and climatic conditions: Therefore,

"Be it resolved by the legislature of the State of Georgia, That

hereafter in case of an outbreak of yellow fever, cholera, small-pox, or plague, all quarantine matters in the State of Georgia shall be turned over to the United States Marine-Hospital Service during the continuance of such epidemic, under appropriate legislation to be hereafter enacted by Congress, enlarging the powers of the United States Marine-Hospital Service granted under the act of Congress approved February 15, 1893.

"Resolved further, That pending such additional legislation by Congress all certificates of freedom from danger of conveying infection from persons, localities, baggage, freight, and vehicles, for the transportation of passengers and freight duly signed by medical officers of the Marine-Hospital Service shall be accepted by the State and local authorities in the State of Georgia.

"Resolved further, That we respectfully memorialize Congress to enact the necessary legislation to effectuate this resolution.

"Resolved further, That we request our Senators and Representatives to use all proper means to have such legislation adopted.

"Resolved, That the Surgeon-General of the United States Marine-Hospital Service be furnished with a copy of this resolution."

LETTER OF GEORGE C. SMITH, PRESIDENT OF THE ATLANTA AND WEST POINT RAILROAD, TO GOVERNOR R. B. BULLOCK.

ATLANTA, GA., October 25, 1897.

MY DEAR SIR: Referring to our recent conversation, I beg to hand you the following statement:

The present visitation of yellow fever in the South has brought about a condition of affairs which, I believe, is worthy of the serious consideration of all thoughtful people.

Never before in the history of epidemics in this country has the power of quarantine been exercised in such an arbitrary and disastrous manner.

Yellow fever was announced in New Orleans, Ocean Springs, Biloxi, Mobile, and other places in Louisiana and Alabama early in the month of September, 1897. The effect of this announcement was to bring into action several distinct quarantines, acting concurrently under assumed legal authority. The boards of health of various cities immediately prohibited all passenger trains running from or through infected points from stopping within the corporate limits of such places and placed their inspectors upon all trains arriving and departing on the direct line of travel to and from infected points. Municipal restrictions were also placed in effect preventing not only the receipt of freight from infected points, but the through passage of such freight, as well as the receipt of through passage of empty equipment.

Simultaneously the boards of health of several States adopted restrictions against both passengers and freight entering such States from infected points or the return of equipment into such States which had been in infected places. The State also placed its own inspectors upon the trains of railway companies forming direct lines to and from the infected districts. The rules of the State and city quarantines were materially different in many particulars, causing great confusion in the adaptation of the transportation service in their varying requirements.

Unusual and arbitrary rules were promulgated by State boards of health, prohibiting even the transportation of flat cars, coal

cars, or ore cars without fumigation. Places like the city of Atlanta, Ga., which had been proven by long experience exempt from yellow fever, were subjected to quarantine restrictions, preventing the movement of both passengers and traffic.

With the utmost difficulty modifications of such quarantine restrictions were obtained after several weeks' negotiation with State and municipal authorities, although but one single yellow-fever case existed in the city of Atlanta, and that a refugee.

Varying periods of residence in uninjected localities were required by different States and cities before persons who had been in infected places were allowed to enter quarantined territory, causing great confusion and frequent detention to passenger traffic. Shotgun quarantines were established in many localities, preventing the movement of either freight or passenger trains through large sections of the country. The alarm was so great in the State of Alabama that the State board of health prohibited the citizens of that State from obtaining refuge at any place within its limits. All citizens of Alabama from infected places were, therefore, obliged to seek an asylum beyond the boundaries of their own State, although many places within their State were willing to receive them.

In addition to municipal, county, and State quarantines and the numerous shotgun regulations prevailing in country communities, the United States Marine-Hospital Service established a supervisory control over the movement of passengers and baggage to and from infected districts. Inspectors of the United States Marine-Hospital Service were placed upon all trains and assumed charge of the fumigation of all baggage and personal effects of passengers. It is proper to say, the operation of the United States Marine-Hospital Service has been systematically and intelligently conducted under the supervision of experienced physicians familiar with the standard requirements for the suppression and spread of yellow fever, and its methods have been in marked contrast with the State, city, and county regulations.

The multiplicity of officers, inspectors, rules, regulations, and orders which have been emitted by the numerous boards, governors, and health officers have tended to greatly confuse and embarrass the efforts made by the transportation lines to conduct business in a systematic and orderly manner.

All railway companies reaching the infected districts have made continuous and well-directed efforts to meet the sudden and pressing demands for transportation and to comply with all requirements of the various authorities which have assumed jurisdiction over them, whether legally constituted or not. The entire commercial system of many States in the South has been thrown into a chaotic condition, largely attributable to the want of a uniform, intelligent, and authoritative supervision over quarantine regulations.

The spread of the disease from one city to another until a half dozen States have become infected is undoubtedly due to the lack of an effective and intelligent administration of quarantine regulations. The control of the entire subject of quarantine by the United States authorities would, in my judgment, accomplish the following results:

First. Prevent the spread of contagious diseases like yellow fever from the original point of infection.

Second. Provide uniform and scientific methods of quarantine where many foci of infection have to be dealt with.

Third. Prevent unnecessary and disastrous interruptions to the commerce of the country by providing reasonable, intelligent, and effective supervision over transportation lines.

I trust the foregoing will give you some information of value on the subject referred to.

Yours, very truly,

GEO. C. SMITH,
President and General Manager.

Governor R. B. BULLOCK, *Atlanta, Ga.*

LETTER OF EX-GOVERNOR RUFUS B. BULLOCK TO THE PRESIDENT.

ENGLISH-AMERICAN LOAN AND TRUST COMPANY,
Atlanta, Ga., October 27, 1897.

Mr. PRESIDENT: The diversified and irregular enforcement of quarantines by towns, counties, and States is a serious and dangerous hindrance to commercial and individual travel. The necessity for uniform action under Federal authority is so apparent as to make any argument superfluous.

My object in writing is to ask, Mr. President, that you call the attention of Congress to this subject in a line of your coming message. I can safely assure you of the support of our leading Southern journals for any proper legislation taking national control of this most vitally important subject.

Your attention is invited to the communication of President Smith on this subject, inclosed.

Very respectfully,

RUFUS B. BULLOCK.

The President of the United States, Wm. McKinley,
Washington, D. C.

FROM THE STATE BOARD OF HEALTH OF MICHIGAN.

In illustration of the interest which the interior States have in maritime quarantine and their desire for a strictly national system and as demonstrating that the expenses of quarantine should be met by the whole people rather than by vessels entering the several ports, I insert here the following communication from the board of health of Michigan, a copy of which was forwarded to the Marine-Hospital Bureau:

STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
Lansing, March 18, 1896.

*To the honorable the Senators and Congressmen
from Michigan, Washington, D. C.*

GENTLEMEN: We, the officers of the Michigan State board of health, having in mind especially the protection of the citizens of Michigan from danger of contracting communicable diseases from immigrants and immigrants' baggage passing through the port at Portland, Me., to which port many immigrants bound for Michigan and beyond sometimes come, especially in winter, when the St. Lawrence River is not navigable, and understanding that it is the desire of the local and of the State health authorities of Maine that a national quarantine station be established at the port of Portland, Me., do most respectfully urge the honorable the Senators and Representatives in Congress from Michigan to use their influence to bring about this desired improvement.

We believe that a frequently changing municipal government, with its varying ideas of the expediency of making expenditures which are more largely for the protection of citizens of other parts of this country than of the citizens of Maine, is not equal to the task of the continuous maintenance of a quarantine station which shall meet the requirements for safety to the health of our people.

We believe that the interests of the whole country would be much better served if there were at Portland, Me., a quarantine station under the control of the National Government.

Again expressing a desire that you use your influence in bringing about this desired change, we remain,

Very respectfully,

FRANK WELLS, *President.*
HENRY B. BAKER, *Secretary.*

APPENDIX B.

EXTRACTS FROM DAILY PRESS.

ALABAMA.

[Montgomery Advertiser, December 5, 1897.]

The report of the Birmingham Commercial Club showed communications from a number of trades bodies in the South and North, including those in Nashville, Chattanooga, and Philadelphia, heartily indorsing the project of national quarantine.

[Mobile Daily Herald, January 27, 1898.]

This matter of quarantine is too serious a one to be made subservient to theories or prejudices. We must have adequate protection from yellow fever this summer, and there must be Congressional action. We can see no reason why Congress should not pass the Caffery quarantine bill as amended in the Senate.

[Mobile Sunday Item, January 2, 1898.]

The shotgun quarantines and the jarring and conflicting regulations of towns, counties, and States are what Governor Johnston properly named them—intolerable. They killed trade, progress, production, personal liberty, and interstate commerce at one fell swoop.

CALIFORNIA.

[San Francisco Daily Report, November 3, 1897.]

It is this very disregard of local conditions that makes the national quarantine service better than the State service. The officers may be no better, though their long special experience should make them so; but they are far more independent. Their positions and livelihood do not depend on the maintenance of friendly relations with those affected by the quarantine rules, and they can act regardless of all personal considerations. The State official's term is short, and, like other State officials, he may feel that he must make hay while the sun shines. Hence he is always more likely to be improperly influenced than is the Federal official.

[San Francisco Daily Report, January 1, 1898.]

In two or three Southern States where the danger of disease importation is greatest the local authorities are delighted to have Federal officers take charge of their quarantines, not only because they are thus relieved of considerable expense and responsibility, but because they know how the United States quarantine can be

depended upon. One thing that goes to make the Federal quarantine especially efficient is that the United States has agents at foreign ports whose business it is to transmit to the home Government—by telegraph if necessary—news of the sanitary condition of the ports at which they are respectively stationed. This is an advantage the State quarantine officers do not possess. There is no earthly need of the State quarantine service.

[San Francisco Argonaut, October 20, 1897.]

It is estimated that the loss of business even at Mobile has already amounted to \$4,000,000 and that at New Orleans to \$25,000,000, as the cotton freight business has been completely stopped. After this new invasion of the yellow plague shall have been checked, we are of the opinion that the Southern States, and we hope all the States of the Union, will be content to place quarantine in the hands of the Federal Government, where it belongs.

CONNECTICUT.

[Bridgeport Standard, October 19, 1897.]

The need of general quarantine regulations, uniform everywhere and impartially applied, is all the more evident as time passes on, and the people of all the South must see the need and advantage of such an arrangement.

[New Haven Evening Leader, January 3, 1898.]

This subject is of paramount interest to the people of the United States, for nothing enters deeper into the daily and business life of the people and the safety and welfare of the country than the question of protection from epidemic diseases. It is, however, not a question of persons or places or power.

It is a question of reasonable and logical methods of the General Government, dealing with one of the phases of maritime trade and commerce, a function which it exercises by the Constitution. It seems to us that there can be but one view which reasonable people will take of this question, and that is one which looks to the General Government as the powerful and uniform conservator of the public health. The bill of Representative HEPBURN, of Iowa, practically identical with that of Senator CAFFERY, confers the necessary power to deal with these epidemics. This measure should pass.

DISTRICT OF COLUMBIA.

[Washington Star, October 6, 1897.]

In an emergency like an outbreak of a deadly fever there is no time for disputes between medical officers, governors, sheriffs, and other public servants. Jealousies are almost sure to arise if they are not prevented by wise efforts by some central authority with power and discretion to act freely. The Government has assumed charge of the interstate features of the transportation system of the country, and its action has resulted in better conditions generally. It can as well and much more profitably be given charge of the interstate features of the public health, for whenever an epidemic occurs or threatens, the smallest detail of the management of the protective work in one State has a most intimate relation to the health of all residents of all neighboring States.

[Washington Star, October 29, 1897.]

The futility and danger of the quarantine methods employed by the Gulf States and surrounding communities during times of

disease contagion have been amply demonstrated during the past season of prevalence of yellow fever throughout a large area in that vicinity.

[Washington Post, September 20, 1897.]

The General Government should take charge—absolute charge—of quarantine regulations, or it should withdraw finally from the field. We should have one harmonious and uniform system, or we should surrender the yellow-fever belt to chaos and to barbarism. These conflicts of authority, these jealousies, resentments, and animosities only complicate the difficulties of the situation. In the name of civilization and humanity, Congress ought to take hold of the question next winter and give us some intelligent and conclusive legislation in the premises.

[Washington Post, January 10, 1893.]

We trust that Congress will give us a national, absolute, and uniform system of quarantine.

FLORIDA.

[Pensacola Daily News, January 11, 1893.]

A national system would correct the panicky quarantine of the States and interior towns against the seaboard cities which has often operated to the great loss of the latter; would greatly lessen the present imposts on commerce. The expenses would not be borne by the vessels, but by the whole country, which is but just and right. The National Government should protect us against disease as against any other invasion.

[Pensacola Daily News, October 5, 1894.]

One of the principal reasons why the control of all quarantine affairs should be relegated to the Federal authorities is found in the constant conflict between different local boards.

GEORGIA.

[Atlanta Journal, December 16, 1897.]

Atlanta does want. So does all Georgia, and so do the press and people of all of the Southern States with almost unanimity. True, a few captious papers along the Gulf littoral have persistently whined against the adoption by Congress of any action looking to national supervision of a matter which gravely affects the business of the whole nation. But, as the Journal has shown from the beginning, this opposition, when not based on small local interests, is the result of hidebound adherence to effete ideas or to small personal prejudice.

[Atlanta Journal, January 31, 1897.]

Georgia was untouched by the yellow fever last summer, but she did suffer from the clumsy and ineffective quarantine methods which were adopted in neighboring States. Very few of those citizens of Georgia who had good opportunities to observe how State and local quarantine regulations worked then will be found now to oppose the movement for a national quarantine law. The fear of Federal interference with State rights will not deter them from advocating scientific, just, and uniform quarantine regulations, and there seems to be no way to secure these so long as every bailiwick is permitted to remain a quarantine law unto itself.

[Atlanta Journal, December 8, 1897.]

The local quarantine regulations of the States and cities recently afflicted with yellow fever proved not only ineffective but ridiculous.

[Atlanta Journal, November 10, 1897.]

To prevent the spread of epidemics, as well as to prevent unreasonable attacks upon business and interference with the rights of the public without just cause, the proposed enlargement of the powers of the Marine-Hospital Service should by all means be accomplished.

[Savannah Morning News, October 10, 1897.]

The whole matter of quarantine should be in the hands of one authority—an authority having the means and the power to act in accordance with the actual demands of the situation. That authority is the General Government.

[Atlanta Constitution, October 9, 1897.]

As matters now stand, the commercial interests of the South are wholly at the mercy of ridiculous and unwarranted measures, and scarcely a day passes without giving rise to some development which grievously emphasizes the need of centralized and uniform regulations.

[Macon Telegraph, October 24, 1897.]

No State government is strong enough to deal with him [Yellow Jack—i. e., yellow fever] adequately, and the expense of the task should be put upon the National Government, for one case of the imported plague on the Gulf coast injures business in New York and Seattle. We must turn the whole matter of handling Yellow Jack over to the Federal Government. It is the only way to do.

[Macon Telegraph, January 26, 1898.]

Those who have been insisting that the rights of the State would be invaded by Federal intervention should now sing small. The question is not an issue at all. Here in Georgia we can not trust to Mississippi methods, for that State has little money to spend for anything, and we have had enough of the risk of accommodating refugees. Georgia has no voice in the Mississippi legislature, but she does have a considerable voice in the National Congress. We can be protected from neglect in Mississippi only by the Federal Government. As we have said repeatedly, yellow fever is a foreign foe, and can be dealt with successfully only through uniform Federal laws.

LOUISIANA.

[New Orleans Daily Picayune, January 19, 1898.]

All arbitrary and lawless interference with interstate and transcontinental trade will be prevented, but no proper and substantial right of States or people will be interfered with. This sort of sanitation is proper and practicable, and no valid objection can be made to it. There could be no better arrangement than to place the administration of a proper national health service under the Marine-Hospital management. That body is entirely out of politics and can have no interest to raise unnecessary alarms or to discriminate in its operations against sections or localities.

[New Orleans Picayune, October 8, 1897.]

The people of the United States seem to be drifting rapidly toward nationalism. The Marine-Hospital Service, the Army and Navy medical departments, are permanent institutions. They do not go in and out with every change of the National Administration, and some fair and unpartisan treatment could be expected from either of them if they were intrusted with the control of quarantine. But a department of public health, whose political complexion would change at every Presidential election, would

be a mere political machine, through whose operation the South would be sure to suffer.

[New Orleans Picayune, November 7, 1897.]

The people who stop trains under the pretense of quarantines are violating the law as much as do those who hold up trains for the purposes of robbery. To bar the progress of an interstate carrier and to prevent the transportation of passengers, mails, and merchandise to the persons to whom they belong is in effect robbery, no matter what may be the pretense upon which such acts are perpetrated.

[New Orleans Times-Democrat, January 19, 1898.]

The Caffery bill places the Federal quarantine in the hands of the United States Marine-Hospital Service and greatly increases the powers and responsibilities of the Federal Government in the matter of the protection of this country from the invasion of disease from abroad. The Southern people, after last year's experience, are thoroughly willing to extend the Federal power in that direction, and see no danger to the States from doing so. They are therefore willing and, indeed, desirous that the marine quarantine shall be placed under Federal control, so that it may be uniform for the entire country.

[New Orleans Times-Democrat, January 23, 1898.]

We want some quarantine system that will assure us the best protection against the invasion of disease.

[New Orleans Times-Democrat, December 12, 1897.]

We in Louisiana have a perfectly efficient system of maritime quarantine; but we saw a few months ago of how little account the possession and maintenance of that efficient system were when disease could invade neighboring States, owing to their inefficient quarantine, and could then be passed on to us. Therefore it was we contended that quarantine should be taken from the State authorities and put in the hands of the Federal power, which alone could systematize the differing and frequently conflicting quarantines, make them uniform, and enforce them.

MARYLAND.

[Baltimore American, November 24, 1897.]

The Government should have absolute control of all quarantines. Had this been the case in the South, the disease would doubtless have been confined within a narrower compass, and more valuable information would now be at the disposal of the professions for use in future epidemics.

MASSACHUSETTS.

[Springfield Union, October 14, 1897.]

The national officials should be given full authority, and State and local boards of health and officials should be compelled to subordinate themselves to them. The only way to make such attempts to prevent widespread suffering and serious embarrassment to trade and commerce is to avoid the divided responsibility that comes from State quarantine control, and by centralization of responsibility in the Federal health officers.

[Boston Traveler, October 14, 1897.]

There should be a national law strong enough to reconcile all the differences between the various authorities. Uniformity of

sanitary regulations can not but prove beneficial to the country as a whole, and the intermittent flurry for safety when a contagious disease breaks out will be done away with.

MISSISSIPPI.

[*Biloxi Herald*, October 16, 1897.]

Congress will fail in the discharge of one of the most sacred duties which it has ever been called upon to perform if it does not at its next session pass a law conferring the necessary authority and carrying a sufficient appropriation to insure its efficient exercise.

[*Gulfport Southward*, January 14, 1898.]

Cholera, yellow fever, typhus fever, and bubonic plague are practically the only diseases which quarantine stations pretend to keep out, and these diseases, taken together, have not caused an average of 1,000 deaths per year in the United States for the past twenty years. On the other hand, three diseases alone, viz., tuberculosis, typhoid fever, and diphtheria, destroy 157,000 lives annually.

NEW YORK.

[*New York Commercial Advertiser*, February 19, 1898.]

Shotguns or Uncle Sam?

Necessity of national quarantine both for protection of commerce and for public health begins to be recognized, especially at the South. The control by city and State health officers of international commerce and travel in quarantine matters, while the same interests are supervised by national authority in customs and immigration matters, is a great anomaly. There is really no middle course between shotgun quarantine and national quarantine.

[*New York Herald*, February 12, 1898.]

National quarantine and the Marine-Hospital Service.

With the experiences of the late epidemic of yellow fever in fresh recollection, the necessity for a national system of quarantine can hardly be questioned. While the friends of the various measures are consistently working in the direction of a comprehensive form of national quarantine, it is quite evident that the odds are in favor of developing a system we have already at hand rather than institute new ones, however comprehensive and efficient they may promise to be. The Caffery bill offers seemingly the best solution of these difficulties. The public has every confidence in the ability of the Marine-Hospital Service and every hope in the amplification of its resources.

[*New York Herald*, January 11, 1898.]

The people of the United States demand a national quarantine.

[*New York Commercial America*, February 8, 1898.]

The objection to the local municipal quarantines is that they are necessarily conflicting, irregular, and variable, and this to such an extent that with the best intentions and the utmost care it is all but impossible for a railroad to be operated in conformance with such regulations; and those regulations are most disagreeable and oppressive to passengers. Moreover, these local municipal quarantines are of doubtful legality, and it is questionable whether the railroad companies may not hereafter be asked to pay damages on account of delay to freight and passengers by reason of complying therewith.

[New York Tribune, October 28, 1897.]

State and Federal quarantines.

The continued spread of yellow fever through the Gulf States seems to argue more and more forcibly the breakdown of that haphazard system of local quarantine on which the South has depended for years past, and still depends, to bar the progress of infectious diseases. That a well-organized and liberally-equipped Federal service would close most of the gaps through which the epidemics of the past have found an entrance to our ports will not be disputed.

[New York Journal of Commerce, October 14, 1897.]

Every community that is threatened with yellow fever is entitled to sympathy and aid in its self-defense, but it should be compelled to limit its defense to modern and scientific means and to inflict the minimum losses upon trade instead of instantly resorting to the methods that seemed reasonable when the black death ravaged Europe five centuries ago.

[New York Mail and Express, October 20, 1897.]

The need of uniformity in quarantine regulations is imperative. The old, conflicting State systems are grossly inadequate to prevent the advance of epidemic disease, and besides that they often actually expose whole neighborhoods to the danger of infection. Senator CAFFERY's struggle in getting through the various lines of State quarantine now guarding the yellow fever districts in the Southwest is but an example of thousands of instances that happen whenever such diseases make their appearance.

State and local regulations will never provide the efficient safeguards which can be gained from a national quarantine system, and it is therefore particularly gratifying to learn that Mr. CAFFERY is already at work on the draft of such a measure for submission to Congress at the approaching session. His recent experience abundantly qualifies him to explain the necessity for such legislation.

[New York Mail and Express, December 10, 1897.]

Senator CAFFERY's promptness in proposing this urgent measure of public safety is actuated by the soundest considerations of prudence and patriotism. It is almost inconceivable that there should be any respectable opposition to an act so indispensable to national interests.

[Albany Press and Knickerbocker, October 19, 1897.]

The need of a strong Federal quarantine system in the Gulf States is at this time the subject of earnest discussion by the newspapers of the region now exposed to yellow-fever visitation. That region in some seasons when conditions are favorable for the spread of the disease may infect other districts. The weak links in our chain of defenses against this destroyer are danger points for the country. This danger is in an extremely important sense a national peril, and preventives should be administered on a national basis.

PENNSYLVANIA.

[Philadelphia Record, January 24, 1898.]

The whole matter should be placed in the hands of the Federal authorities, where it properly belongs. There has been quite enough toleration of chaotic management and shotgun quarantine. Epidemics of cholera and yellow fever ought to be made impossible in this country, and they would become so if we could have a

national quarantine law which should provide ample resources and give proper authority for restricting and controlling them.

[Philadelphia Press, January 21, 1898.]

As a rule, the Southerners, who are accustomed to the Marine-Hospital Service, as they are in the habit of calling it to their aid in yellow-fever and smallpox emergencies, owing to local ignorance, favor the extension of the Marine-Hospital Service. This is also the plan of such experts as our own Dr. Guiteras, who believe the development of the service as a national health bureau is practicable and easy of accomplishment. This is the situation, and the Caffery bill meets it through the granting of additional powers to the Hospital Service which are drastic enough in times of emergency to meet all cases and yet will permit local authorities at other times to get along with the cooperation or mere advice of the service, and without surrendering their[®] identity or organization.

[Philadelphia Public Ledger, October 6, 1897.]

The need of a strong Federal quarantine system in the Gulf States is at this time the subject of earnest discussion by the newspapers of the region now exposed to yellow-fever visitation. Weak links in our chain of defenses against this destroyer are danger points to the country. This danger is in an extremely important sense a national peril, and preventives should be administered on a national basis.

[Philadelphia Evening Telegraph, October 16, 1897.]

Experience has demonstrated that these local quarantines do not afford effective protection even at home, while as to localities beyond their purview they are of course utterly useless. Epidemics do not move with reference to State boundaries, and a thoroughgoing quarantine established in one State is of no avail if disease is allowed to come in next door on the other side of an imaginary line. In view of these known facts, persistent and consistent efforts have been made to establish a national quarantine system extending not only to all coasts of the country, but all over the interior as well. These efforts have been constantly thwarted by the obstinate opposition of the Southern people, inspired by their State rights sentiments. The national quarantine authorities, in deference to these sentiments, have been cribbed, cabined, and confined on every side by legal restrictions, and are to this day forbidden to take any action whatever, no matter how necessary, except by and with the advice and consent of hostile State officials.

[Philadelphia North-American, October 8, 1897.]

The objection to a uniform system of quarantine to be established by Congress and administered by the Federal authorities seems to root in the insane jealousy of State rights. The establishment of national quarantine would not interfere with the function of the local boards of health in any way, but the Federal authorities would find the local boards great helpers in such emergencies as that now presented in the Gulf States.

[Pittsburg Press, November 21, 1897.]

The idea is antagonized, but it is significantly observed that the most serious objection to Federal regulation is made in those parts of the South which were exempt from the late visitation of yellow fever.

[Eric Graphic, November 21, 1897.]

The outbreak of yellow fever in the Southern States this year, the complete failure of local control of quarantine, and the needless embargoes placed on business in those districts that escaped the disease have stirred up the movement in favor of what is called a national quarantine law.

[Easton Express, October 14, 1897.]

There is only one rational conclusion to be drawn from this year's experiences of the yellow fever, and that is that Congress should, at its next session, enact a law providing for a national system of quarantine.

[Scranton Truth, October 23, 1897.]

Congress ought to take up and place on the same footing national defense against invasion by war and invasion by pestilence. We have had occasion to say this before. The present yellow fever visitation furnishes occasion to repeat it.

TENNESSEE.

[Memphis Scimitar, February 8, 1898.]

The patchwork system of State and municipal quarantines is a most costly example of local inability to deal with a problem that is essentially national.

[Chattanooga News, October 21, 1897.]

Sure relief can only come from the National Government. If the task is left to a dozen different State governments, a repetition of the present unfortunate state of affairs is always to be feared. The temptation is ever present to popularize a port by relaxing the rigidity of the inspection of shipping which is to land there.

Our commercial bodies, even the foremost movers in matters of general concern, will do well to begin an agitation which shall secure effective legislation for our protection from the approaching session of Congress.

[Chattanooga Times, October 19, 1897.]

As to the power of the General Government to protect the country from invasion by disease, that rests on the same broad ground that does the power to repel a foreign navy or army from ravaging the coasts and carrying fire and sword into the interior.

TEXAS.

[San Antonio Daily Express.]

Kansas, Nebraska, or any other inland State is as much concerned in the maintenance of a proper border quarantine service as is Texas.

The prevention of the spread of epidemic diseases being a matter of national importance, it is but just and right that the whole people should bear their fair proportion of the expense of preventing the entrance into our borders and the spreading of epidemic disease.

[Fort Worth Mail-Telegram, October 12, 1897.]

The extemporized and unauthorized citizen quarantines, the senseless shotgun cordons of outlying districts by volunteer bands, and the threatened mob violence against the establishment of hospitals prove the necessity for a more general and more systematized method of quarantine administration than has heretofore been possible.

[San Antonio Daily Express, October 12, 1895.]

The guarding of the nation's boundary properly devolves upon the people of all the States so guarded, and the interior is as much

concerned as the boundary territory. This is a matter for Congressional action. Texas can with all justice take the lead in the agitation.

[Dallas News, October, 1895.]

The protection of the national boundary is none the less the duty of the Federal Government because it happens also to be the boundary of a State.

APPENDIX C.

The New England Medical Monthly, in its issue of March, 1898, says editorially:

"But while a public health department is not at this time feasible, the necessity for the establishment of a national quarantine system remains, and we believe that the Marine-Hospital Service should be intrusted with this duty. The splendid contributions to medical science and the quarantine results already achieved by the Marine-Hospital Service entitle it to the gratitude and respect of all medical men, and in no better hands could the enforcement of national quarantine be placed.

"The experience already gained by the service in arresting and preventing epidemics is invaluable, and it should have every opportunity for increased usefulness along these lines. The Caffery bill, now pending, should receive the fullest professional and public indorsement, as it will be the means of making national quarantine at once possible and efficient."

The Philadelphia Medical Journal, in its issue of January 8, 1898, says editorially:

"The distinguishing feature of the bill which flies the flag of the American Medical Association, but which was never adopted by that body, is that it proposes to establish a 'department of public health.' To the ear of the sanitarian this has a very seductive sound. He has long felt that the protection of the public health was one of the great national issues, as well as entitled to recognition as a coordinate branch of Government as either of those the chief function of which is the destruction of human life. The bill, however, does not fulfill the promise of its title. It establishes not a true department, with representation in the Cabinet, but merely a commission.

"As a rule it may be affirmed that a system or institution which has been developed by the process of growth is more serviceable and has in it more elements of permanence than one which has been artificially constructed on theoretic principles, and this because its provisions have been devised to meet actual emergencies. It is not strange, then, that the committee to which was assigned the duty of drawing up a bill for the establishment of such a department found that it could not do better than to adopt the provisions already formulated and put in force by the Marine-Hospital Service, and to propose that the new department should take into its capacious maw that entire service, Surgeon-General, building, offices, officers, laboratories and appurtenances, and property of whatever name and nature."

"It seems, therefore, to be little more than a change of names which is proposed, with the creation of a few additional salaried officers. We have the thing already. The Marine-Hospital Service is in reality the national department of health. The dog in the fable lost his bone in trying to seize its magnified reflection in the

rippling stream. Let us be careful how we risk the perpetuity of our present tried and practical, although not thoroughly ideal, system in the troubled waters of a Congressional struggle. The wiser alternative, as we view the matter, is that suggested by that eminent and well-trained sanitarian, the now lamented Jerome Cochran, health officer of Alabama, and then chairman of the very committee which now proposes the bill we have been considering, viz: 'To endeavor to improve the Marine-Hospital Service and to make it a more satisfactory national health department than it now is.'

The Medical Record, of New York, a professional journal of commanding position, with a clientele extending throughout the civilized world, and which is read in every clime, says editorially in its issue of February 12, 1898:

"There is just now not so much a necessity for educating the public in sanitary matters as for perfecting suitable police regulations for threatening epidemics. Thus it would naturally appear to be reasonable to elaborate, strengthen, and amplify what we may already have in that line, rather than to aim at some new, untried, and obviously unwarrantable measures. From such a point of view the bill of Senator CAFFERY, 'granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service,' deserves the support of everyone who may hope for a logical settlement of the great question at issue.

"This bill has for its purpose such a development of the Marine-Hospital plant as will make it possible for the General Government efficiently to control all maritime and inland quarantine, and is framed on the practical basis of aiding and advising the local authorities and not interfering with them, unless in cases of emergency or when large districts of country are affected and when a general, impartial, and uniform system of protection is demanded. The Secretary of the Treasury naturally remains at the legitimate head of the department.

"Much as it would compliment the medical profession to have a physician in such position as a member of the Cabinet, the proposed measure is the next best solution of a question concerning which there are many pros and cons. The Secretary has already supreme control of maritime customs, and can, on sufficient grounds, refuse the entry of any vessel bound for our ports. When to such power that of enforcing quarantine is added, it is easy to conclude that both functions can work together harmoniously and consistently. Then, again, there can be no question, in this instance, regarding the constitutionality of so-called invasion of State rights, as Congress has the right to regulate commerce and can interfere with anything that pertains to it.

"One very forcible argument in favor of the bill is the fact that the Marine-Hospital Service, having done so much in arresting and preventing epidemics, is fully competent to exercise increased powers in the line of work with which it is already perfectly familiar. With such great interests at stake as the health of the entire nation, there will be no possible temptation to make distinctions in favor of one or other district, but all can come under a uniform regulation, 'as far as climatic conditions will justify.'

"The main opposition to national quarantine comes quite naturally from local authorities, which are jealous of the privileges of revenue and of political patronage. This is evidenced by offers on the part of several States to purchase the present quarantine plants of the Government and manage them as independent establish-

ments. The pecuniary measures which comprise the levying of arbitrary and excessive fees on commerce, and which are the main ones considered by the different State quarantines, are to the last degree oppressive, burdensome, invidious, and unnecessary.

'By a new order of things there will be no call for special fees, and all the ports of entry will be on an equal basis as regards quarantine regulation. The advantages of the latter system are already proven in those localities where only national inspection prevails, by the fact that increased trade is naturally attracted to such favored ports to the exclusion of neighboring ones not so favored. Thus it will be seen that millions of dollars can be saved to commerce which are now demanded on the purely technical ground of State rights to collect special fees.

"It is useless, however, to multiply arguments in favor of national quarantine. The real question that concerns us now has reference to the best and readiest means to the desirable and imperative end. The best answers to objections urged against all bills heretofore presented are very effectively, consistently, and practically given in the admirable, far-reaching, comprehensive, and just provisions of the Caffery bill. The Marine-Hospital Service eminently deserves every opportunity for increased usefulness and good work. Even with its limited resources it has made an admirable and unimpeachable record. The profession and the public should be ready with their indorsement at the time when such is so much needed to make all the really necessary quarantine reforms within the reach of ready realization."

The Medical Standard, of Chicago, in its issue of January, 1898, says editorially:

"The recent epidemic in certain parts of the South has directed public attention to the necessity for broader and more efficient regulations for the protection of the public health. Many objections that formerly were urged against the proposition to place the quarantine power wholly in the hands of the Federal officials have been withdrawn, and that section of the country which heretofore has most strenuously opposed Federal control has now asked Congress to provide such control. The bill recently introduced by Mr. CAFFERY, of Louisiana, in the United States Senate is in response to this demand.

"In view of these circumstances, it would appear that the wisest course lies in introducing a bill in Congress which will take the Marine-Hospital Service as a nucleus and establish an unattached bureau clothed with the authority for national quarantine that is asked for from the South. Under the direction of this bureau, then, such investigations as that proposed into yellow-fever conditions in Cuba and leprosy in Hawaii, which, it is reported, are to be made subjects of Congressional action, may be conducted. The unattached bureau would not cost more than will the performance of the same duties under separate divisions, and certainly would prove far more efficient. Thus equipped and permitted to show the public its field of usefulness, this bureau of public health will have every opportunity to develop at an early date into one of the Departments."

The Sanitarian, of New York, one of the oldest journals of its class in the United States, says editorially in its issue of December, 1897:

"Indeed, the foundation of a national board of health is already laid. The proposition to extend its scope by such emendations and additions to the laws now governing it as would secure the

cooperation of the sanitary authorities of the States severally and jointly, as suggested by the late Dr. Jerome Cochran, after a critical examination, is eminently commendable. And in this reference to the judgment of Dr. Cochran it should be borne in mind that it was the deduction of a practical sanitarian—of one who had devoted many years of his professional life to preventive medicine, and after he had, as chairman of a committee, specially appointed to consider the question of a ‘Department of public health.’

Considering all the circumstances and the relations of the leaders of the proposition to supersede the Surgeon-General of the Marine-Hospital Service to the present chief of that service, we can but regard the proposition as being alike discreditable to both the American medical and the American public-health associations.

“The proposition reflects political preferment to practical knowledge of preventive medicine; it deserves not only the reprobation of every practical sanitarian, but of every person who is alive to the importance of an effective health service.”

The Bulletin of the North Carolina board of health, in its issue of December, 1897, says editorially:

“For carrying out the idea of a national quarantine two plans have been suggested. One is to commit it to the Marine-Hospital Service, which Bureau has for many years been engaged in quarantine work, by enlarging its powers and adding to its duties; the other is the establishment of a department of public health.

“In pursuance of the former plan Senator CAFFERY, of Louisiana, introduced in the Senate the following bill:

“‘A bill amending “An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service,” approved February 15, 1893.

“‘*Be it enacted, etc.*, That “An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service,” approved February 15, 1893, be amended by striking out the following words in section 1: “And with such rules and regulations of State and municipal health authorities as may be made in pursuance of or consistent with this act,” and striking out section 3 and inserting the following in the place of said section:

“‘... SEC. 3. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as are necessary to prevent the introduction into the United States of any infectious or contagious disease from any foreign port or place, or the spread of such diseases from one domestic port to another, and such necessary rules and regulations as shall be observed by vessels or vehicles departing from foreign ports or places for ports or places in the United States to secure the best sanitary condition of such vessels or vehicles, their cargoes, passengers, and crews, which rules and regulations shall be published and communicated to and enforced by consular, quarantine, and customs officers of the United States and the State and local quarantine officers of the United States. All rules and regulations made by the Secretary of the Treasury shall operate uniformly, so far as climatic conditions will justify, in the interest of security against the introduction or spread of said infectious and contagious diseases, and shall not discriminate against any port or place. None of the penalties herein imposed shall attach to any vessel from a foreign port, or owner or officer

thereof, until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days in the port from which said vessel sailed, and the certificate of such consul or consular officer, over his official signature, shall be competent evidence of such posting in any court of the United States. Nor shall the penalties imposed by this act attach to any common carrier or officer, agent, or employee of any common carrier crossing the border of the United States until a copy of this act, with the rules and regulations made in pursuance thereof, has been published and made publicly known.

" " " At any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons shall be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service, and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

" " " Any vessel sailing from any foreign port without a United States consular bill of health and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

" " " National quarantine stations now in operation shall be conducted in accordance with the provisions of this act, and the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels, which are reserved for use at each United States quarantine station; and any vessel, or officer of any vessel, or other person, trespassing upon such grounds or anchorages, in disregard of the quarantine rules and regulations, shall be deemed guilty of a misdemeanor and subject to arrest, and, upon conviction thereof, be punished by a fine of not more than \$300, or imprisonment for not more than one year, or both, in the discretion of the court.

" " " And any master or owner of any vessel, or any person violating any rule or regulation made in accordance with this act, relating to inspection of vessels, or relating to the prevention of the introduction of contagious or infectious disease, and any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents, or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and, upon conviction thereof, be punished by a fine of not more than \$500, or imprisonment for not more than one year, or both, in the discretion of the court.

" " " Medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing such duties, are hereby

authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States.

" " " The Secretary of the Treasury shall, whenever in his judgment it is necessary, make rules and regulations to prevent the introduction of infectious or contagious diseases into one State or Territory, or the District of Columbia, from another State, Territory, or the District of Columbia, and when such rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities when the State or municipal authorities will undertake to execute or enforce them: but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations, or other rules or regulations made under the provisions of this act, the President shall execute and enforce the same, and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose.

" " " Whenever yellow fever, cholera, plague, or typhus fever has passed the quarantines of the United States, or in any manner any one of these diseases has gained entrance or has appeared within the limits of any State, Territory, or the District of Columbia, the quarantine regulations of the United States, prepared under the direction of the Secretary of the Treasury, shall be supreme and have precedence of State or municipal quarantine laws, rules, or regulations, and the President is authorized to enforce the same within the limits of any State, Territory, or the District of Columbia, and to control the movement of vessels, railway trains, vehicles, or persons within any State, Territory, or the District of Columbia, to prevent these diseases from spreading from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, and to prevent unnecessary restrictions upon interstate commerce; and whenever, in accordance with the rules and regulations made as herein authorized to prohibit or permit the movement of vessels, railway trains, and vehicles, or transportation of persons, prohibitions or permits have been made or granted, any person violating said prohibition or permit shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than \$1,000, or imprisonment for not more than twelve months, or both, at the discretion of the court; and any violation of said prohibition or permit shall be reported to the United States district attorney for the district in which the offense has been committed, who shall thereupon institute necessary proceedings for the recovery of the penalty herein imposed."

" That section 6 of said act shall be amended to read as follows:

" " " That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel, or inspection of any vessel not infected at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be permitted to enter and admitted to entry at any port of the United States named within the certificate. But at

any ports where sufficient quarantine provision has been made by State or local authorities, the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station."

"That section 8 of said act shall be amended to read as follows:

"That whenever the proper authorities of a State shall surrender to the United States the use of the buildings, grounds, and disinfecting apparatus at a State or municipal quarantine station, the Secretary of the Treasury shall be authorized to purchase them at a reasonable compensation, or pay a reasonable rental for their use, if in his opinion they are necessary to the United States; and the expense of said purchase or rental is made payable from the epidemic fund."

"We would call attention to the fact that the author of this bill is a Southern Democratic Senator, and doubtless a thorough believer in the doctrine of State sovereignty; and also to the fact that he represents Louisiana, whose quarantine facilities and methods are unexcelled anywhere.

"The Marine-Hospital Service, as at present constituted, is as far from the baneful influence of 'practical politics' as are the Army and Navy. Its members are appointed solely for fitness, and their business in life is fighting disease—large throughly quarantine work. They are seasoned veterans in that peculiar warfare.

"Their commanding officer, the Surgeon-General, is always one of their most experienced men, and while it might happen that he was not the man in the service best fitted for that position, it would always be true that he had been thoroughly trained in the business. And if it were our personal business involving great consequences to us, as the proper management of our quarantine service does to the people of our country, we would not hesitate a moment in deciding in favor of the trained experts—and we do not believe the candid reader would, either."

The Georgia Journal of Medicine and Surgery, in its issue of August, 1897, says editorially:

"In this issue we quote in full the 'bill to establish a department of public health and to define its duties,' as reported at the last meeting of the American Medical Association at Philadelphia. The bill was not adopted by the association, but was received and the committee continued.

"So important a matter as this should be fully discussed and thoroughly understood, and the present condition of affairs at Washington, as regards the Marine-Hospital Service, known and appreciated, before the indorsement and aid of the profession is given to it.

"How much more just and fair and how much better for the country, therefore, it seems to us, to draft a bill imposing additional duties and enlarging the field of usefulness of that very important department of public health (which it now is), the Marine-Hospital Service, and including in the Marine-Hospital bill all the good features (for they are practically and virtually carried out in toto by the Marine Service at this moment) of the new bill under discussion, without its objections.

"An epidemic or emergency fund is at the disposal of the Marine-Hospital Service in case of necessity in occurrence of epidemics in any of the States or Territories. The service has means at its disposal, and is thoroughly capable of fulfilling the most minute requirements of the new bill."

The New York Medical Journal, in its issue of December 25, 1897, says editorially:

"It is unfair to criticise the work of a person or a number of persons who are operating at a disadvantage by reason of insufficient tools or inefficient laws. The national control of epidemics through the Marine-Hospital Service has been largely hampered in the past by the objections of State-rights theorists. This has been largely overcome by practical experience. The Marine-Hospital Service has had to wait until the inefficiency of certain local measures was established, and only then would it step in and exert its powers.

"Thus the early and favorable time was lost when work should have been done to restrain the onward progress of a threatened epidemic. It is the fault of the law and not of the service that certain concessions have not been made to the satisfaction of persons who are interested, or profess to be interested for one reason or another, in the development of an improved health service. Senator CAFFERY's bill, which would confer great powers upon the Secretary of the Treasury, seems to us a far more promising measure than any scheme for a national board of health."

The Medical News, of New York, in its issue of February 5, 1898, says editorially:

"Any movement which has for its cardinal text the relegation of the Marine-Hospital Service, which has done so much pioneer work in the interests of public health, to a secondary or even more obscure position in the ambitious plans of its enemies will not meet with a responsive chord in the minds of the majority.

"The service is developing in the exact direction which the promoters of the proposed department of public health expect to attain by one act of legislation.

"The Senate, upon the recommendation of its Committee on Public Health and Quarantine, has already indefinitely postponed two bills for the establishment of a department of public health, and favorably reported the Caffery bill, which imposes additional powers and duties upon the Marine-Hospital Service.

"In view of the state of the national finances and the improbability of Congress assenting to the large and indefinite expenditure necessary for the establishment of a department of public health, it seems to us that the profession should turn its attention to developing and supporting the Marine-Hospital Service as the public health service *de jure* as well as *de facto*, and that those who are now, as we think, mistakenly, if honestly, expending their efforts in the attempt to create a department of public health should join with their fellows in strengthening the hands of their professional brothers in the Marine-Hospital Service who have been so long and faithfully serving the public."

Editorial expressions of a similar character, appearing in the issues of this journal under date of December 4, 11, and 18 and February 19, might be cited if it were necessary to submit cumulative views from the same source.

APPENDIX D.

MARINE-HOSPITAL SERVICE.

The function of the Marine-Hospital Service may be seen by an enumeration of the various duties of its officers, as follows:

1. The management of hospitals and relief stations for the care of sick and disabled seamen of the merchant marine of the United States, over 50,000 seamen being treated annually.

2. The active management of eleven national quarantine stations, including the steam vessels belonging thereto. These national quarantine stations, particularly in the South, are the refuge stations for neighboring local quarantines, and for a large number of years have done the greater part of the actual cleansing and disinfecting of infected vessels. In the last fifteen years their hospitals have, with but few exceptions, received and cared for all the yellow-fever patients taken from vessels entering United States ports.

3. Inspection of local quarantines, under the act of February 15, 1893.

4. Investigation of reported cases of epidemic disease, including bacteriologic examinations and local sanitary conditions.

5. The suppression of epidemic diseases and enforcement of the interstate quarantine regulations.

6. The collection and dissemination of mortality statistics and sanitary information.

7. Scientific investigation into the causes of disease.

8. The examination of pilots for color-blindness.

9. Physical examination of keepers and crews of the life-saving stations; professional examination of their claims on account of disability and their treatment in hospital.

10. Physical examination and treatment of the officers and crews of the Revenue-Cutter Service, both prior and subsequent to enlistment, and medical and surgical service under special detail on revenue cutters engaged in arctic cruising or on other long voyages.

11. Physical examination of immigrants under the law excluding those afflicted with contagious disease.

12. Service in the office of consuls at foreign ports to assure the accuracy of bills of health given to vessels.

13. Miscellaneous duties imposed from time to time by the Treasury Department.

A few words now regarding the organization and scope of the Marine-Hospital Service.

MEDICAL CORPS.

The medical corps of the Marine-Hospital Service consists of a supervising surgeon-general, 16 surgeons, 32 passed assistant surgeons, 17 assistant surgeons, and 96 acting assistant surgeons, making a total of 161. The regular corps, that is to say, all of the above excepting the acting assistant surgeons, are appointed by the President after thorough physical and professional examination.

The acting assistant surgeons are appointed by the Secretary of the Treasury, on recommendation of the Supervising Surgeon-General, who satisfies himself as to the professional qualifications of the officer. The employment of acting assistant surgeons in times of emergency for temporary service, and the discontinuance of their services when the emergency is over, furnishes an excellent method of increasing or contracting the medical corps as occasion requires.

The acting assistant surgeons are men who have been long in the service and are trained in Government routine. When newly appointed in emergency they are usually assigned to a marine hospital under the observation of the commanding officer and one of the older assistants, detailed to meet the emergency.

I have heard that intimations have been made concerning the

youth and inexperience of the members of the regular corps, the absurdity of which is shown by a table which I have caused to be prepared, giving the age and date of graduation of every officer of the service. From this table it will be seen that the average age of the surgeons is 50 years, the average age of the passed assistant surgeons is 35 years, and of the assistant surgeons, 29 years.

The medical colleges represented are as follows:

- Medical College of Maine.
- Western Reserve Medical College.
- Jefferson Medical College, Philadelphia.
- Pennsylvania Medical College.
- Chicago Medical College.
- Rush Medical College.
- University of Georgetown, D. C.
- University of Michigan.
- Columbia College, Washington, D. C.
- Bellevue Hospital Medical College, New York.
- National Medical College, Washington, D. C.
- University of Pennsylvania.
- University of Maryland.
- College of Physicians and Surgeons, New York.
- College of Physicians and Surgeons, Baltimore.
- College of Physicians and Surgeons, Boston.
- Dartmouth Medical College, New Hampshire.
- McGill College, Montreal, Canada.
- Harvard Medical School, Boston.
- Howard University, Washington, D. C.
- Medical College, South Carolina.
- Virginia Medical College.
- University of Virginia.
- Miami Medical School, Cincinnati.
- Long Island Medical College, New York.
- St. Louis Medical College.

It will thus be seen that the members of this corps are fairly representative of the medical profession of the country. Many of them, in spite of the fact that they are subject to change of station every four years or oftener, have held and are now holding professorships in the medical colleges of the cities in which they are stationed.

Concerning the new admissions to the corps, the law requires that they shall be appointed to the grade of assistant surgeon only, and provision is made for subsequent promotion. The examination is held once or twice a year, as occasion requires, and the applicant must pass a very severe test, making an average of 80 per cent on all branches.

The successful candidates are relatively few. For example, this month, out of 29 who appeared for examination, only 4 made the required grade. These new appointees represent the very best men among the newer graduates of the colleges; but very rarely do they come direct from the medical college, most of them having had hospital or private practice before seeking admission to the corps. Out of the total 61 medical officers, 53 had hospital practice before entering the service, 7 were engaged in private practice, and only 2 had neither private practice nor hospital service.

There are 20 hospitals owned and operated by the service and 107 additional relief stations where at contract hospitals seamen are admitted and treated by acting assistant surgeons.

The Marine-Hospital Service, even when considered solely in the light of its original function—the care of sick and disabled seamen—is a very important element in public-health work. The name itself now conveys no adequate idea of its scope, but the service is a century old, and its functions have been added to from time to time by Congress to such an extent that it is a somewhat laborious and tiresome task to enumerate all that it is doing.

But in its original restricted capacity it has by careful selection of its officers, and appointment only after rigid examination, and its entire removal from political influence, established a corps of medical men, under strict discipline, divorced from local influences and made familiar, to a degree unusual among medical men, with correct business habits and the systematic methods upon which is dependent the success of all large organizations and of government itself.

DISTRIBUTION AND QUALIFICATIONS OF THE CORPS.

The officers of the medical corps just mentioned are stationed in every important port on the coast, lakes, and rivers, and being trained in the execution of Government business, become valuable agents for the immediate execution of any sanitary measures which may be imposed upon them by telegraph or otherwise from the Bureau. It is always possible for the Marine-Hospital Service, in any part of the country, on the shortest notice, to have qualified agents at a place of danger. There is scarcely an officer of the regular corps who has not had actual quarantine experience, and the corps numbers among its members men whose names have become national by reason of their effective service in various epidemics.

The corps embraces a number of skilled bacteriologists, also men who have had large practical experience in the treatment of yellow fever and other contagious diseases, men thoroughly acquainted with all the military duties connected with sanitary cordons, detention camps, and with the methods of train and vessel inspections, scientific disinfection, etc. The effectiveness of this corps is the result of special care exercised to secure within it men who, by natural inclination and special education, are fitted for sanitary work, and is also the result of long and active experience.

The Marine-Hospital Service dates as far back as 1798. It was reorganized and put upon its present basis in 1871. Though established for the purpose of caring for sick and disabled seamen of the merchant marine of the United States, there have been from time to time other responsibilities imposed upon it, growing out of the necessities of other branches of the Government, with which it is intimately and necessarily associated. For example, the Revenue-Marine Service, a branch of the Treasury Department, relies upon the Marine-Hospital Service for the physical examination of its officers and men and their professional treatment when sick or disabled.

The Life-Saving Service relies upon the Marine-Hospital Service for the physical examination of the keepers and surfmen. Hundreds of rejections of physically unsound men seeking to become surfmen have been made by the officers of the Marine-Hospital Service. The Steamboat-Inspection Service, a most important branch of the Treasury, relies upon the medical officers of the Marine-Hospital Service for a determination as to the ability of the pilots to distinguish signal lights, and large numbers of ap-

plicants for pilots' licenses are annually rejected by the officers of the service on account of color blindness. The Immigration Bureau relies by law upon the Marine-Hospital Service for the medical inspection of immigrants.

Naturally, too, by reason of the intimate association of the Marine-Hospital Service, through its sailors, with shipping and commerce, the National Government has imposed upon this service the execution of the national quarantine laws, to which reference has already been made. I will only add here that so far as national quarantine is concerned, the service, by tradition and constant activity, save for a period of four years, is the natural executor of the same. National quarantine received its first executive impulse through the first Surgeon-General of the Marine-Hospital Service, Dr. John M. Woodworth, in 1878.

Both prior and subsequent to this last date the Bureau has controlled, wholly or in part, epidemics of yellow fever and of smallpox.

YELLOW FEVER.

Notably yellow fever in 1873, 1876, 1877, 1878, 1882, 1887, 1888, and in 1893, the Brunswick epidemic, when it was confined within the cordon lines established by the service.

It had complete control of the quarantine measures against yellow fever in Texas in 1882 and in Florida in 1888.

And the operations of the service during the yellow fever outbreak last fall are of too recent occurrence to require special description. The satisfactory results of these, both in restricting the spread of this disease and at the same time removing, so far as was practicable under the present law, unnecessary restrictions upon commerce, have been freely and favorably commented upon by the press of the South.

SMALLPOX.

It also took charge of railroad quarantine against smallpox in Canada in 1888 and 1891, and at Harris Neck, Ga., in 1891, it stamped out the disease.

In 1894 it very materially assisted the District Commissioners and health officer of the District of Columbia in promptly suppressing the smallpox which had appeared in the city of Washington.

In 1895 it corralled at Eagle Pass., Tex., 400 immigrants from Mexico to Texas, with smallpox among them, and prevented their disseminating the disease through Texas and other States.

It established quarantine camps in Arkansas in 1896, preventing the disease from being spread across the river into Tennessee. And at Key West, Fla., in 1896, it materially aided the State health officer in suppressing the epidemic of smallpox then prevailing. It aided materially the same year in suppressing the disease in Staunton, Va., and in New Orleans.

At the present time it is engaged in suppressing an epidemic of smallpox in Birmingham and other localities in Alabama and Georgia.

CHOLERA.

With regard to cholera in 1893, when one case of cholera had gained admission into Jersey City, with the supervision of its experienced officers and with their trained assistants it prevented any extension of the disease. The value of its service in 1893 in preventing cholera in reaching the shores of the United States

may be illustrated by one example, viz., the record of the service at Naples, Italy:

After cholera had been declared epidemic in Naples, three vessels left for the United States—the *Masilia*, *Weser*, and *Cashmere*—and all were made to conform to the regulations. They all arrived at the port of New York, with no cholera en route, or at time of arrival. During the same period four vessels, with the same class of passengers, and their places of origin similar, in many cases identical, the water and food supply being the same as on the vessels for the United States, left for South America, and all were turned back by the South American authorities and returned to Naples. One, the *Vincenzia Florida*, had about 50 deaths; the *Andrea Gloria*, 90 on the way out—total not ascertained. Another, 84 deaths, and the fourth, 230 deaths from cholera.

THE NATIONAL QUARANTINE STATIONS.

The Marine-Hospital Service has under its immediate control eleven national quarantine stations equipped with modern appliances for disinfection of vessels, hospitals for the care of the sick, and barracks, where required, for the detention of suspected immigrants.

These stations are located at Delaware Breakwater, Reedy Island, Delaware River; Cape Charles, Virginia; Blackbeard Island, Sapelo Sound, Georgia; Brunswick, Ga.; Dry Tortugas, Fla.; Ship Island, Gulf of Mexico, off the coast of Mississippi; San Diego, Cal.; Angel Island, San Francisco Bay, California; Port Townsend, Wash.; Cape Fear Quarantine, Southport, N. C.

These stations are so far remote from populous centers as to be seldom visited, but their completeness and the scientific care exercised in isolation of the sick, the surveillance of those suspected and held under observation, the cleansing and disinfection of vessels, have excited the surprise and commendation of the few members of Congress who have visited one or more of said stations. There is a fleet of thirteen vessels connected with these stations, three of them being old vessels turned over from the Navy for the purpose of receiving and housing people in quarantine.

COOPERATIVE ASSOCIATIONS.

Now, referring to the work done by the Marine-Hospital Service for other branches of the Government—namely, the Revenue Marine, the Life-Saving Service, Steamboat-Inspection Service, and Immigration Service—a return service on the part of these branches of the Government adds to the strength and ability of the Marine-Hospital Service for quarantine work. For example, the Revenue-Cutter Service, under the same Secretary as is the Marine-Hospital Service, may be called upon at any time, and frequently is, to assist in quarantine measures through the medium of their fleet of vessels.

In 1893 they patrolled the Southern coast in aid of the quarantine cordon around Brunswick. They carried medical officers and supplies to the Sea Islands, off the coast of South Carolina, in the sanitary work demanded of the Marine-Hospital Service by reason of the great storm. They have furnished vessels for the Marine-Hospital Service repeatedly in New York Harbor, and in fact practically form a fleet subject to demand for service at any time in the aid of quarantine.

In 1893, when it was feared that the immigrant detention camps at Camp Low and at Delaware Breakwater, both under the control

of the Marine-Hospital Service, might of necessity be occupied by immigrants held under observation, an arrangement was made with the Revenue-Marine Service for the immediate detail of their enlisted and armed men from the several cutters, to form the necessary guards around these camps, the places of the enlisted men to be supplied by new enlistments on the vessels.

The Steamboat-Inspection Service, in return for the examination of pilots, furnishes experts to examine the hulls, boilers, and machinery of the vessels which belong to the Marine-Hospital Service.

The Life-Saving Service, on request of the Supervising Surgeon-General of the Marine-Hospital Service, is required by its Superintendent to watch carefully for all dunnage and other stuff that might float ashore from infected vessels, thrown overboard before said vessels reach port; to gather up with rakes such material and burn it.

The presence of medical officers at the immigrant reception stations at the several ports enables the Bureau to keep fully informed with regard to immigrants and their baggage, which constitute so large a proportion of the danger in the matter of epidemic importation.

OFFICIAL REQUESTS FOR THE ASSISTANCE OF THE MARINE-HOSPITAL SERVICE.

The demands for the assistance of the Marine-Hospital Service on the part of State and local quarantine authorities have been almost innumerable. In 1893 the legislature of Pennsylvania made a request by resolution, duly forwarded by the governor of the State, calling upon the Marine-Hospital Service to establish the Reedy Island quarantine station to protect the city of Philadelphia and the rest of the State of Pennsylvania from cholera.

Requests to prevent the spread of smallpox have been received from the health officers of the State of Virginia.

Request for aid in suppressing the cholera was made by the State and local authorities at Jersey City, N. J., in 1893.

Requests have been received from the mayors of several municipal localities in North Carolina and through State health officers to assist in the suppression of smallpox.

Also from the representatives and municipal authorities in Georgia for the same purpose.

Also from the governor and health authorities in Florida in suppressing yellow fever and smallpox.

Also from the governor and State health officer of Alabama for the suppression of smallpox.

Also from the representatives and State health authorities of Mississippi in the suppression of yellow fever.

Request has also been received from the State health authorities of Louisiana for aid in disinfection and other sanitary measures necessary to prevent the spread of yellow fever; from Tennessee to protect the State from smallpox invasion; from the State health officer of Texas for the same purpose; also from Arkansas.

Requests have also been received from the State health authorities in California to protect them from the invasion of smallpox from Mexico. In fact, wherever expert service is required through reason of doubt as to diagnosis on the part of local authorities, or where sanitary rules, laws, and regulations are insufficient, or where the local authorities are unfamiliar with the methods necessary to suppress epidemic diseases, or where funds are absolutely

lacking, the Marine-Hospital Service is called upon constantly to supply the several deficiencies.

SCIENTIFIC INVESTIGATIONS.

A schedule of work performed in the hygienic laboratory of the Marine-Hospital Service since its establishment in 1887 to date.

1887.

In August, 1887, a bacteriological laboratory was established at the port of New York for the purpose of utilizing the rich clinical material in the marine hospital in pursuing investigations regarding the etiology and pathology of disease, more especially the acute infectious and contagious maladies.

In October, 1887, the steamships *Alesia* and *Britannia* arrived from Naples, Italy, the former having several well-marked cases of cholera aboard. These were utilized in making a bacteriological study. Two weeks after the arrival of the *Alesia* the *Britannia* arrived, and having had three deaths en voyage, the cause of which was obscure, two of the persons on board were found to be slightly ill, and, on bacteriological examinations, were found to be suffering from Asiatic cholera.

An analysis of the water of the New York bays was made during the same year, to determine whether there was a possibility of cholera reaching the shore from the dejecta from those suffering from the disease.

1888.

Investigation and report on gaseous and other disinfecting agents for quarantine purposes.

Report on the inspection of the Louisiana State quarantine station with recommendations. This report and subsequent studies caused the authorities of the State to entirely remodel their apparatus and was the commencement of the adoption of the perfected apparatus with which the national and State quarantine stations are equipped to-day.

1889.

Studies in the etiology of malarial fever.

Report on entero-malarial fever.

Report on the influence of low temperatures on the symbiosis of microorganisms.

Experiments relating to the cure of cholera by the administering of cobra venom.

1890.

Report on the work performed in the laboratory of the Marine-Hospital Service, and observations and studies in the laboratories in Berlin and Paris. (Kinyoun.)

Report of laboratory of the Marine-Hospital Service, Tortugas, Florida. (Geddings.)

Official experiments with tuberculin. (Geddings.)

1894.

Report on the preparation and use of diphtheritic antitoxin.

Report on examination of specimens from suspected cases of cholera.

Report on the ventilation of the House of Representatives.

1895.

Preliminary report on the serum-therapy of variola.

Preparation of diphtheria autotoxin.

Investigation of the pollution of water supplies of the District of Columbia with special reference to typhoid fever.

1888-1895.

Experiments were continuous in devising and perfecting apparatus and appliances for use at quarantine stations—maritime and interstate.

PAPERS AND REPORTS FROM THE HYGIENIC LABORATORY FOR 1896-97..

1. Formaldehyd as a disinfecting agent.
 2. The disinfection of the railway coach.
 3. On the bacillus of the bubonic plague.
 4. On the clinical diagnosis of enteric fever.
 5. A contribution to the study of malarial fevers in the District of Columbia.
 6. A preliminary report on the sero-therapy of pneumonia.
 7. A report on the cause and treatment of smallpox.
 8. A report on the international congress relating to the sanitary condition of railways and vessels.
 9. A report on the international leprosy conference.
 10. A report on the preparation, conservation, and use of animal vaccine.
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APPENDIX E.

[Southern Pacific Company. W. G. Van Vleck, manager; T. Fay, manager's assistant.]

NEW ORLEANS, LA., December 17, 1897.

MY DEAR SIR: In further reply to your letter of December 10 on the subject of the effect of quarantine on traffic of this company during the late fever, I will endeavor to give you a complete history of this matter as it affected the Southern Pacific road and the country through which it passes. In the New Orleans papers on September 6 the board of health announced officially one death from yellow fever in this city. The next morning many towns in Louisiana along our line placed an embargo on passengers and freight from New Orleans. Jeanerette being the first town to take such action.

From this date quarantine restrictions were enacted in rapid succession, and on the 11th day of September practically every town in Louisiana on this road had placed an embargo on freight and passengers from or passing through New Orleans. On that date, according to statement of the board of health, there had been only one death from yellow fever in this city and no new cases had been reported. Appreciating that our country friends might not have entire confidence in the board of health here, and feeling assured that traffic was being interfered with to a greater extent than the situation justified, I called upon Mayor Flower to see if he would not telegraph the situation to the mayors of the different towns, which I hoped would serve to allay the then groundless fears of the people and prevent the utter demoralization of business and railroad traffic. The mayor wrote with his own hand the following telegram:

"NEW ORLEANS, September 11, 1897.

"There is no authentic case of yellow fever in New Orleans to-day. Development of any yellow fever will be promptly reported."

This was sent at once to the mayors of Houma, Morgan City, Thibodaux, Pattersonville, Franklin, Jeanerette, New Iberia, St. Martinsville, Lafayette, Opelousas, Washington, Alexandria, Crowley, Lake Charles, Rayne, and Abbeville.

This message produced absolutely no effect, as there was not a single instance of modification of restrictions following it. A new feature of quarantine restrictions was brought out this year in the quarantining of whole parishes, which was not attempted during any previous visitation of yellow fever to this section. Formerly towns and villages quarantined, but there was no such thing generally as a parish quarantine.

On the same day we received notice of quarantine by Galveston against New Orleans, which was the first Texas town to take such action. On September 12 the city of Houston quarantined against New Orleans and commenced to stop all trains at city limits for examination. On September 13 the whole State of Texas quarantined against all freight or passengers from or through New Orleans. On September 14 we found it necessary to discontinue running the daylight passenger trains between New Orleans and Houston, as all points had quarantined and the trains were doing no business. The Texas health authorities, on September 13, notified us that they would not permit the United States mail agents (postal clerks) to pass beyond the Louisiana State line after that date.

On the night of September 13, Dr. Swearingen, State health officer of Texas, being in Houston, a conference was held with him and the mayor of that city by the officials of the railroad company with the view to keeping open for transcontinental freight the New York steamship line via Algiers. It was shown to the Texas authorities that there had not been even a suspicious case of fever in Algiers, and as the wharves of the Southern Pacific are isolated, it was thought impossible for any danger to come to the State of Texas by allowing New York freight from these ships, transferred from ship to cars at Algiers, to go into or pass through Texas.

The health authorities of that State finally took this view of the matter, with the understanding that they would send an inspector, appointed by themselves, to supervise the loading of freight from ship to cars on the Algiers wharf, which cars were to be allowed to go into Texas and to pass through, upon a certificate from the inspector tacked on each car.

This company even went further than required by the Texas authorities in throwing safeguards around the handling of freight in this manner, and we arranged to employ none but Algiers labor, temporarily, in unloading these ships and loading cars. The necessity for this was explained to the laborers from New Orleans as requisite to the continued handling of the ships from and to this port.

Before this arrangement was made we were in hourly fear of interruption of through traffic into Texas, and had each of the steamers call at the passes for orders in anticipation of being compelled to send them to Galveston.

The Texas authorities, however, though allowing the New York freight to be handled in accordance with the above arrangement, positively refused to allow any freight from or passing through New Orleans to enter that State, and before we could get notice to them about 100 cars of freight delivered to us by connecting railroads at New Orleans for the West were thrown on our hands. Such articles as iron water pipes, iron, coke, etc., from Alabama, machinery, hardware, etc., while recognized by all authorities in health matters as being impossible of conveying infection, were refused entrance into Texas, and we were also forbidden to haul

coal for the use of our engines through New Orleans to the coaling stations at Beaumont and Houston. Several cars containing such articles as sugar and molasses, which left New Orleans before Texas adopted any restrictions, were stopped at Sabine River, and we were forced to bring them back to New Orleans and return to shippers.

On September 15, in spite of the arrangement made with the State health officer of Texas to handle New York freight for Texas points by ships through Algiers, the city of Galveston instituted quarantine on its own account, and declined to allow any more of this freight to come into that place. Without any previous warning, and without giving time to stop shipments of Galveston freight at New York, these regulations were put in force, and we were caught with a number of carloads of Galveston freight on the line and in ships due, which we were eventually forced to return to New York and reship by direct steamer to Galveston.

On September 16 the parish of Rapides refused to allow any more trains from New Orleans to enter that parish, and this company was forced to discontinue the operation of trains on the Alexandria branch beyond Cheneyville, and about the same time the town council of Opelousas passed a resolution imposing a penalty of \$1,000 fine on any common carrier landing merchandise of any kind in that town from any point on and after September 18.

On September 16 the steamer *Araansas*, arriving here, had some Chinese in bond going through to Hongkong. They were exposed absolutely to no infection, and a request on the Texas authorities to allow them to pass through the State was refused, though it was well known that this company is always compelled to send guards with Chinese to see that they do not escape into the United States; hence there was no possibility of their getting off the train in Texas.

One of the many brutal features of the quarantine restrictions was brought out about this time by a request made upon me by Mr. John Day, the chief clerk of the Railway Mail Service here, to have an empty car placed in a siding at the Louisiana State line for use of mail clerks running out of New Orleans. Although the Texas quarantine officers had ample accommodations for these clerks at their camp, I was informed they refused either to give or sell the clerks food or shelter, and until this empty car was furnished by us these clerks were forced to sleep in the woods by the inhumanity of the guards. Some of them went nineteen and twenty hours without food.

From the 16th to the 18th of September there was nothing remarkable to record, except a general tightening up of the restrictions at all points. On the afternoon of September 18 the city of Houston declined to allow any more passenger trains from Louisiana to enter its limits, and the night passenger trains over the line were run only to and from the Sabine River on that date. The next day, however, this was modified, provided we would agree to fumigate all passenger cars at Algiers immediately before departure. This was carried out promptly, and the trains resumed their runs.

On September 20 State Health Officer Swearingen, of Texas, issued instructions to us that he would not allow the mail cars to go directly into Texas, but that they must be switched off at the Sabine River and held there twenty four hours for fumigation at his hands.

On the morning of September 22 we were advised by State Health

Officer Swearingen that there was a suspicious case of fever at Beaumont, and the company would probably not be allowed to run any more trains in either direction through that place. Later in the day this threat was put into effect, and no more trains were allowed to pass through Beaumont in either direction. This not only compelled the entire abandonment of passenger and mail service between New Orleans and the West, but it also stopped immediately the passage of all New York freight from ships at Algiers. After the agreement made with the Texas authorities for the continued handling of this freight, it was an act of exceeding bad faith on their part to abrogate it on a moment's notice.

The result was one ship's cargo was tied up at Algiers and the large part of a previous ship's cargo was caught east of the Sabine River, necessitating its being returned to Algiers, unloaded, and subsequently returned to New York for forwarding by direct steamer via Galveston. The alleged reason for this sudden and unwarranted interference with all traffic was that there was a case of yellow fever at Beaumont. Whilst bowing to the arbitrary action of the Texas health authorities, their attention was called to the fact that these two cargoes were on hand, brought here under an arrangement made with them which the railroad company had more than complied with and naturally had the right to expect would not be abrogated on a moment's notice.

As the ostensible reason given by the Texas State health officer for their stopping the entire traffic of a large transcontinental railroad was that there was a case of yellow fever at Beaumont, a request was made on him for permission to send the two cargoes on hand into Texas by way of the Texas and Pacific to Dallas, thence down the Houston and Texas Central, leaving Beaumont several hundred miles to the south. Strange to say, however, such an entirely reasonable request was promptly refused.

As a last resort, the opinion of Dr. Carter, of the Marine-Hospital Service, was sought as to the chances of the cars containing these two cargoes carrying infection from Beaumont in merely passing through that place. Dr. Carter said there was no possible danger, but in order to make sure he would personally attend to the proper disinfection of the cars in any manner designated by the Texas health authorities and give a certificate with each and every car. This proposition was laid before the Texas health authorities and also refused.

Being unable to longer continue the handling of freight of any kind into Texas, the New York steamers due were held at the Passes and ordered to proceed to Galveston, and those in New York were ordered to Galveston direct.

Thus was the entire traffic of one of the principal transcontinental lines absolutely stopped, and a line which for years has handled some 75 per cent of the through traffic from New York, Boston, and other Eastern seaboard points to California was compelled to abandon its trains, send its ships to ports without adequate facilities to handle its business, close down its shops, and allow the grass to grow upon its tracks, all because a 12-year old boy at Beaumont was sick and the health officer of the great State of Texas thought he had a case suspicious of yellow fever.

The arbitrary action of the Texas authorities was quickly followed by similar action on the part of Calcasieu Parish and other western Louisiana points.

Meanwhile the condition of affairs along the line had become so burdensome and objectionable to the more conservative people

that a conference between the health authorities of the Louisiana towns was suggested. Dr. Carter, of the Marine-Hospital Service, Dr. Guiteras, the Government yellow-fever expert, and Dr. Olliphant, president of the Louisiana Board of Health, were invited to attend, as was also Dr. Swearingen, of the Texas board. A special train was furnished by this company, which left Algiers on the morning of September 29, picking up the doctors at the different points on the line. This train on reaching Rayne, in the parish of Acadia, was stopped by an armed mob and prevented from proceeding further, notwithstanding the fact that authority was given for it to pass through the day before the outrage occurred.

These events were followed in a few days by the appearance of fever (pronounced later by Dr. Guiteras to be yellow fever) at Galveston and also at Houston, and at once there was another avalanche of quarantine restrictions, not only in Louisiana, but also over all Texas. The health authorities of these cities, however, in a short while passed a resolution that no yellow fever existed, and Texas quarantines against them were generally raised. Not so with Louisiana towns, however. Lake Charles, with two outlets to the North still open, maintained her embargo against the Southern Pacific, and with other points declined to allow trains to pass in either direction.

A merchant of Crowley, La., had a carload of rice sacks from some Northern point shipped to Lake Charles. The Southern Pacific was asked as a favor (as it could run no trains) to haul the car with switch engine to Crowley. This they agreed to do, but Calcasieu and Lake Charles authorities would not permit it, though they did allow this same car to be hauled by wagon by a resident of Lake Charles to the Mermentau River, at a cost of \$140—considerably more than it cost to bring it hundreds of miles to Lake Charles.

With the assistance of the fumigation plans adopted by the United States Marine-Hospital Service and through the efficient cooperation of Dr. Carter and his assistants, this company was enabled through all these troublous times, to run a mixed train between New Orleans and St. Martinsville and handle the mails and many classes of freights, after fumigation.

From St. Martinsville to Alexandria and the Sabine River, however, traffic of all kinds was practically abandoned. This condition of affairs continued until an accumulation of freight from California for New Orleans at Houston on October 20 induced the railroad officials to apply to Texas health authorities for permission to bring the freight east to destination.

This was consented to with the proviso that no loaded cars of any description could move west, but the railroad would be allowed to move empty cars west if they would stop them at Sabine River and fumigate to the satisfaction of the Texas authorities. This was agreed to by the railroad, and whilst the authorities of Calcasieu Parish were not unwilling to this arrangement, some of the citizens of Lake Charles called a mass meeting, which declared that that town must be the eastern terminus of the Southern Pacific Company, and to make the declaration more emphatic the same night a trestle bridge just east of there was burned, conveying the hint of further destruction of property unless their demands were complied with.

On October 27 the objections at Lake Charles were removed and permission given to handle loaded cars east and empties west after

fumigation. On October 30 they again objected, and this state of affairs continued until November 10, when the railroad was permitted to move a few cars east bound. On November 12 Houston raised its quarantine unconditionally, and on November 15 the State of Texas took similar action; and it was not until about this time that the Lake Charles authorities, realizing that they could no longer maintain their absurd commercial quarantine restrictions, amended them to some extent, and a limited amount of traffic was resumed.

It was not until November 25, however, that all through freight and passenger traffic was resumed, and several weeks afterwards before restrictions covering local freight to Louisiana points were entirely abrogated.

The business of the Southern Pacific Company was thus interrupted from September 7, and a great part of the time entirely stopped in portions of Texas and Louisiana, until November 25, a period of eighty days, during which time the company actually lost the sum of \$1,118,112.61.

In addition to this actual loss, as compared with the same period last year, up to September 15, the company's traffic had shown a very gratifying increase, and the outlook for a further increase was bright. The loss from the prospective increase, as well as the enormous increase in the expense of handling freight via Galveston, due to the inadequate facilities and high charges of that port, made the real loss not less than \$1,500,000, besides having the bulk of its through business to and from California and other Western points diverted to its Northern competitors, who were not affected by quarantine restrictions. Most of this traffic it will take years to regain, and some of it has been lost forever.

There is not the shadow of a doubt that the quarantine restrictions of many towns and cities during the prevalence of this fever were more of a commercial than a health measure. I have made careful inquiry at the principal points on this company's line and I am reliably informed that the necessities of life were advanced to consumers from 10 to 50 per cent. To cite one instance of many: A merchant at Crowley says he paid 8 cents per can for baking powder at wholesale at Lake Charles that he sold himself at retail before quarantine at 5 cents per can; sugar advanced 25 per cent at the same point. These advances were general from St. Martinsville to Cheneyville and Lake Charles.

In this lengthy letter I have given you a record of the principal events as they occurred from day to day and such information as it seems to me will be of service.

These facts are given for your own use, as you can understand we can not afford to publicly criticise the action of the people in a matter of this kind, and we really have no fault to find with local quarantine restrictions imposed to protect the health of the people, but restrictions imposed for commercial purposes, and those which prevent the handling of through traffic, are unwarranted acts of tyranny which there should be some power to prevent.

Wishing you success with your admirable measure, I remain,
Yours, very truly,

T. FAY, *Manager's Assistant.*

Hon. DON. CAFFERY,
Washington, D. C.

NEW ORLEANS, LA., December 21, 1897.

MY DEAR SIR: In writing you on quarantine matters on the 18th instant, I failed to give you the facts about the effect the quarantine restrictions had on steamship business to Florida ports, which ports, while practically open to Habana at all times, were closed to traffic by steamers from New Orleans during the prevalence of the yellow fever here. One of the strongest reasons for placing quarantine regulations under the control of the National Government is illustrated by the action of the health authorities of Florida, who permit the free entrance of steamers from Habana throughout the year.

The distance from Habana to Key West is only about 90 miles and is easily made by fast steamers in six or seven hours. After landing passengers and freight at Key West they proceed to Port Tampa, which is reached in twenty-four hours after leaving Habana. The ships in this trade belong to the Plant Line, carry a large number of passengers, and in connection with the rail lines in southern Florida form the quickest route between New York and other Eastern points and Habana. On arrival at Port Tampa passengers take the trains at once and are soon distributed throughout the country, some coming to New Orleans and other points along the Gulf. You can understand how extremely difficult it would be to trace such passengers after they leave Port Tampa or determine whether or not during the summer months they do not communicate yellow fever to those with whom they happen to come in contact on trains or after they reach their destination.

These steamers are allowed to maintain this open intercourse with such a constantly infected port as Habana on the ground that they enter that port in the morning and leave again before sundown, and that the crews are not allowed to go ashore, yet it is a known fact that captains and pursers, both of whom have necessary business to attend to on shore, invariably land, and the ship whilst at anchor is receiving and unloading freight and supplies, with boatmen and laborers coming and going between it and the shore. It is claimed passengers are only allowed on board after an examination is made as to their health, previous residence, etc., by a physician, but it can be appreciated how extremely unreliable such an examination is when in many cases the physician can only accept the mere statement of passengers in the premises.

In connection with this subject I inclose you a clipping from the Times-Democrat of yesterday which may be of interest. There is no way to prevent such methods as outlined in the report in the Times, except by placing the entire control of quarantine matters under the United States Government, as such authority would not maintain the present efficient quarantine in the Mississippi River and at the same time allow the notoriously inefficient quarantines at Florida and the other Gulf ports. There are many persons in this section who attribute the origin of the yellow fever at Ocean Springs during the past summer to passengers who came to that point from Habana to Tampa by ship and thence by rail.

Nearly every trip these steamers had aboard refugees from the Island of Cuba, who scattered all over the South, many coming to New Orleans, Mobile, and the Lake Shore points. The quarantine at Mobile has also been notoriously lax, that port having been so anxious to encourage the fruit trade from Central America that they have allowed steamships to arrive and unload without any detention; yet it is well known that there had been more or

less fever at many of the Central American ports during the past summer.

As long as quarantine regulations are under the control of the local and State authorities there will never be any certainty of this section of the country escaping the importation of yellow fever. What is needed, in the first place, is a quarantine which will prevent the importation of the fever, and, in the second place, to have such restrictions uniformly and impartially enforced at all ports, especially south of Cape Hatteras, as north of that point the fever, though occasionally imported, has not spread for many years. There is no other country in the world where such a condition of affairs as existed in our section during the months of September, October, and November would have been possible.

Every State, county, parish, and town had its own ideas of quarantine, and in most cases they seemed to work on a different basis. In some instances, where the duly constituted authorities imposed reasonable restrictions, their orders were nullified by action of mobs. No assistance was given by either the State or General Governments toward an amelioration of the condition of affairs, and even the United States mail was at the mercy of petty local authorities, who in many cases refused it passage for months.

Had such a law as you propose been in effect, the condition of affairs would have been entirely different. In the first place, the fever would never have been imported, and if it had found lodgment here, no such ruin to commercial interests as occurred would have been possible. Whilst local communities could have taken the necessary action to protect the health of their people, they would not have had the power to prevent the passage of through trains which do not stop, and through freights, mail, and express, as well as passengers, would have been handled with entire safety.

The railroads could have arranged to change their crews at isolated and properly guarded points and put on other crews who had not been exposed to infection, thus doing away with every possible danger of spreading the disease and throwing around the handling of their through business all necessary safeguards to protect the health of the communities through which they pass.

Yours, truly,

T. FAY.

Hon. DON. CAFFERY,
Washington, D. C.

[Queen and Crescent Route. New Orleans and Northeastern Railroad Company; Alabama and Vicksburg Railway Company; Vicksburg, Shreveport and Pacific Railroad Company. C. C. Harvey, president and general manager.]

NEW ORLEANS, LA., December 23, 1897.

DEAR SIR: I have received from the Southern Pacific Company copy of your letter of the 10th instant addressed to Mr. Owen, and with reference thereto I beg to say that traffic arrangements on these lines were most seriously interrupted by yellow fever quarantine, and nearly every town and corporation issued different regulations, often in conflict with the regulations issued by the State authorities, which complicated matters very seriously.

Many of these regulations were, no doubt, issued for the sole purpose of keeping out yellow fever, although unnecessarily stringent according to the views of experts, but there can be no doubt, I think, that several towns quarantined against other towns in the hope of securing business.

On the line of the New Orleans and Northeastern road we managed to keep freight trains running and handled certain classes of business, but we had to discontinue running local trains, as for many weeks no passengers were allowed to go from one town to another along the line, and only a few trains were therefore run to accommodate through business.

To do this we had to run a local service between New Orleans and Slidell (28 miles), where there was a quarantine station. Passengers there changed into another train, with a separate crew, and were taken 3 miles out of Meridian to another camp, and, after examination, the trains were allowed to go north through Meridian, no passengers or any members of the train crews being allowed to alight at Meridian.

On the Alabama and Vicksburg and Vicksburg, Shreveport and Pacific roads the passenger and freight trains were annulled for many days, the people along those lines positively declining to allow any train service, and near Jackson a trestle was burned and track torn up by people from Jackson, owing to a misunderstanding between the State authorities and the superintendent as to the regulations under which the trains could be run. The regulations issued by the authorities covered an excessive rate of speed through the town and across other railroad tracks to which it would have been dangerous for the company to conform.

The loss on traffic from the 15th of September to the 31st of October, 1897, entirely owing to quarantine restrictions, amounted to \$128,500, being a falling off of 35 per cent as compared with the corresponding period of the previous year. There was also a continued loss in passenger business during November, but the freight traffic held up.

It seems to me very necessary that there should be uniformity in the quarantine restrictions and that these regulations should be prepared by persons having knowledge of how yellow fever is spread, and that local authorities should not have the power to stop through railroad traffic, and their regulations in local matters should, I think, be confined within the lines prepared by higher authorities.

If you would like further details, I shall be pleased to furnish you with the same.

Yours, truly,

C. C. HARVEY,
President and General Manager.

Hon. DON. CAFFERY,
Washington, D. C.

[Louisville and Nashville Railroad Company, New Orleans and Mobile Division.]

NEW ORLEANS, LA., January 17, 1898.

DEAR SIR: A copy of your letter of December 10 has been handed me by Superintendent Owen, of the Southern Pacific Railroad. I have been prevented by pressure of affairs from writing you earlier.

I would say that while this line suffered greatly by the epidemic, we did not experience the difficulties in dealing with the quarantine regulations as did some of the other lines. The territory through which my division runs was for the most part "infected;" hence our people were the "quarantined" rather than "quarantiners." However, there were quarantine regulations enough everywhere along the line.

In some instances quarantine was apparently maintained to conceal the fact that there was fever in the places. Many of the circumstances were equally as eccentric. There are in Mississippi three different bodies in each county with the power to establish quarantines, without counting the "shotgun" element. For the want of uniformity it was impossible almost to keep track of the regulations. The officials themselves, in some instances, were ignorant of their relations to each other. I know of an instance of a body forgetting its own orders. We got permission from all the proper authorities to forward a carload of grain (or fertilizer) originating in the North to a small station in Mississippi, but on arrival one or two people in the vicinity prevented its delivery to the owner.

The Harrison County (Miss.) quarantine guards prevented for a time small vessels from passing through the Bay St. Louis drawbridge, which were loaded in Mississippi Sound and destined to the town of Bay St. Louis, which, as you know, is situated on the south shore of the bay. The drawbridge is toward the north shore of the bay of St. Louis, and said to be within Harrison County. These vessels were not working contrary to any quarantine regulations, and, I believe, were operating at the request of the town authorities of Bay St. Louis to afford employment to the people, who would otherwise be dependent upon public charity.

I mention these cases as examples. I would mention another peculiarity of the quarantine. Places maintained strict quarantine after they had become "infected" themselves. The cities of New Orleans and Mobile did so. The explanation was that these cities were spending large sums of money in isolating the foci of infection, hence the necessity to keep out new foci. But the failure of the physicians to report cases destroyed any chance to stamp out the disease by such efforts.

It seems to be an acknowledged fact that only a small proportion of the cases were reported. Still, it may be proper to isolate only one focus, if no more, in the midst of an epidemic. No telling how much spread might take place from the one focus. It may therefore have been right for an infected place to maintain quarantine against another, but it looks unreasonable.

Respectfully,

C. MARSHALL, *Superintendent.*

Hon. DON. CAFFERY.

United States Senate Chamber, Washington, D. C.

[Illinois Central Railroad Company.]

CHICAGO, December 31, 1897.

DEAR SIR: Referring to your letter of 10th instant, addressed to Mr. Owen, superintendent of the Southern Pacific Company at New Orleans, advising that you have introduced a bill in the United States Senate providing for national quarantine over interstate commerce and travel, and asking for information which will aid you in establishing the utility of such a law.

In reply to your first inquiry as to how long trains of our road were stopped during the late epidemic, I beg to advise that through passenger-train service on the Illinois Central Railroad, between New Orleans and Chicago and New Orleans and Louisville, was not interrupted at any time, but we were compelled to take off a number of our local passenger trains on account of the rigid and

varying quarantine regulations, which effectually prevented local travel.

On both the Illinois Central and the Yazoo and Mississippi Valley Railroad as well through freight-train service between New Orleans and points in the North was not seriously impeded, but the local freight service in Louisiana and Mississippi was greatly hampered through quarantine regulations which prevented the handling of many classes of freight from districts alleged to be infected.

In reply to your second question, I will state that the period of greater or less interference with traffic by quarantine regulations may be set at sixty days from, say, September 6 to the early part of November.

In reply to your third inquiry, will state that quarantine regulations were made by municipal, county, and State authorities.

In reply to your fourth inquiry, will state that we have made no estimate as to the loss sustained by either the Illinois Central or the Yazoo and Mississippi Valley companies.

The Constitution of the United States gives to Congress power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes;" that is to say, all commerce, foreign and domestic.

It would be no stretch of this power to have the Federal Government control quarantine at all interior points, as well as at the seaboard, and obviously a uniform and efficient quarantine should be adopted, which, owing to diversity of local interests, sectional jealousies, and other causes, can not be maintained except under Federal authority, as is abundantly shown by the experience in this and in other previous visitations of yellow fever and other forms of epidemic diseases.

The matter should be considered from a national standpoint, and in the interest of every State and every one of our seventy-odd million citizens. The question should not be looked at from a Southern point of view alone, as there are other contagious diseases of greater virulence than yellow fever which may come in through our other boundaries on the North Atlantic seaboard, on the Great Lakes, or from Canada, or Mexico.

We have a certain safeguard against yellow fever—that it is not indigenous anywhere in the United States—while other diseases, like typhoid, typhus, diphtheria, etc., do originate within our borders.

It seems to me, therefore, that the Federal Government should take the whole question of quarantine, as affecting commerce, into its control and enact and enforce laws which, while adequately protecting the public health, shall admit of commerce being carried on without subjecting it, as heretofore, to purely local and in many cases utterly inefficient and unnecessary restrictions.

Yours, truly,

J. T. HARAHAN,
Second Vice-President.

Hon. DON. CAFFERY,
United States Senate, Washington, D. C.

APPENDIX F.

Maritime quarantine unquestionably can prevent the introduction of infectious disease. It is not necessary to quote authority for this—certainly not in America, where it is universally held and all quarantine practice based on it.

The aim is to allow no infected vessel or person to come to entry. It is in two parts:

1. Measures to prevent infection of the vessel in the foreign port, or there cleanse it, so that it comes clean to our quarantine stations.

2. Measures of disinfection and quarantine at our quarantine stations of such vessels as report there infected.

The first is only possible to the United States, and is especially advocated by American sanitarians—Billings and Holt, of Louisiana; Bell, of New York; Woods and Ranch, of Illinois, and others—the resolutions of the Montgomery conference of 1889 and the Mobile conference of 1897 (see below), at both of which conferences the resolutions were carried unanimously.

A resolution looking toward the sanitary inspection and sanitation of foreign ports that menace us most and to the establishment of a system of international quarantine.

Resolved, First. That the Congress of the United States be requested to authorize the President to take such steps, by treaty or otherwise, as may aid in inducing the respective governments of the intertropical American ports to secure proper and adequate sanitation, together with the adoption by them of such restrictive measures as may be necessary to render such ports in good sanitary condition and to prevent the introduction of yellow fever.

Second. To provide for the maintenance of a medical force of this country in each such port to give warning of the existence of yellow fever therein, with adequate power for the most efficient possible prevention of the communication of the disease therefrom; and that Congress be memorialized to make such appropriation as may be necessary to maintain a proper medical-inspection service in intertropical American ports of sufficient importance to warrant such appointment.

Third. That the Congress of the United States be memorialized to make a suitable appropriation and provide for the early calling of a conference of port sanitary authorities to deal with the subject of international quarantine and preventive sanitary regulations.

Respectfully submitted by—

JOHN B. HAMILTON,
S. R. OLLIPHANT,
H. R. CARTER,
R. P. DANIEL,
P. J. HAMILTON,
Committee.

The efficiency of this foreign work is well shown by the small number (2) of infected vessels arriving at United States quarantine stations during the cholera epidemic of 1893, the most widely spread epidemic ever known, and the only widespread European epidemic which did not spread to the United States. During this year officers of the United States were stationed in foreign ports and carried out measures of disinfection and quarantine to prevent the infection of these vessels. Commerce this year with cholera-infected ports was not interrupted.

That maritime quarantine at stations in the United States can prevent the introduction of disease is shown by the history of the Southern cities. Charleston, Savannah, Mobile, and New Orleans, which, since the institution of proper quarantine about a score of years ago, have escaped visitations of yellow fever for from nineteen to twenty-one years, prior to which time it was common in all and of almost yearly occurrence in the first and last. Every sanitarian in the South, except Dr. le Hardy, of Savannah, relies absolutely on the efficiency of maritime quarantine to prevent the introduction of yellow fever.

That proper sanitary measures can, in general, prevent an epidemic of yellow fever if the earlier cases be discovered is also the belief of all or nearly all sanitarians.

Jerome Cochran, of Alabama, a sanitarian of highest authority on yellow fever, submitted to the Montgomery conference the proposition: "When a few cases of yellow fever occur in a community * * * it is generally possible by the employment of proper sanitary measures to prevent the development of an epidemic," which proposition was, after full discussion, adopted by the conference, which contained almost every sanitarian in the United States having practical knowledge of yellow fever.

The experience this year at Franklin, La., as well as at Baton Rouge, La., and at Perkinston, Cayuga, and Clinton, Miss., shows the truth of this most beautifully (especially if it be compared with towns where no such means were taken). The fever in all these towns was suppressed by the means taken. In Edwards, while not suppressed, it was absolutely confined to the cordon. No fever spread out of the "infected district" during the Brunswick epidemic. During this epidemic commerce through Jessup, in the infected district, was carried on without let or hindrance, and that with Brunswick with little interference, in both cases without conveying infection.

Porter, of Florida, may be quoted as inculcating the safety of commerce from a place infected with yellow fever, carried on under proper supervision, as may the late Jerome Cochran and the no less eminent Dr. Thornton, of Memphis, and this principle was agreed to in practice in 1897 by the State boards of Mississippi and Tennessee. In fact, not a few sanitarians hold—among whom I may again quote Cochran and Thornton—that commerce under careful regulation is safer than regulations of absolute nonintercourse, if the latter are to be kept up for any length of time, as it has been found well-nigh impossible to prevent some smuggling in of persons or things if no legitimate means of communication is allowed, and the danger from even a very small amount of unregulated communication is greater than much carried on under sanitary supervision.

The experience of 1897 is in point. Alabama towns almost universally had a quarantine of nonintercourse with infected points, and yellow fever was reported in nine of them (not counting Mobile). In Louisiana the towns east of Acadia Parish, with few exceptions, allowed commerce with New Orleans, and in only two—and one of these Baton Rouge, a nonintercourse town—did fever develop. Nor did any fever develop in any of the Mississippi towns, which allowed commerce (under United States supervision) with New Orleans.

During the Brunswick fever the pratique of the United States for persons and commerce was taken without the slightest friction by Savannah, Macon, Augusta, and all other towns in Georgia, and by the State boards of Florida and South Carolina.

APPENDIX G.

ANSWER TO OBJECTION TO MANDATORY PRATIQUE.

The provision of the proposed act, by which a vessel, after proper disinfection at a United States quarantine station, is pronounced free to enter port, "shall be admitted to entry" on the certificate of the United States quarantine officer—to which Mr. MALLORY so objects—has already been in force for five years, being provided for in the act of February 15, 1893, section 6.

In the preamble of the United States Quarantine Regulations now in force, however, we find the following (page 9, paragraph 7):

Vessels having been treated at national quarantine stations that are located a considerable distance from the ports of entry of said vessels may be inspected by the local quarantine officer, and if for any sanitary reason it is considered inadvisable to admit the vessel, he should report the facts immediately to the Supervising Surgeon-General, Marine-Hospital Service, detaining the vessel pending his action.

This shows that there is no disposition to object on the part of the United States quarantine authorities to the inspection of their work by local quarantine officers. It is rather invited.

This provision of the act of 1893—the “mandatory pratique” of maritime quarantine—has been operative five years, and this second inspection has been made under this paragraph of regulations by local quarantine officers during the whole of that time, and there has no single case occurred in which there has been any complaint by local quarantine officers of its action.

This mandatory pratique, however, was not without its use. At not a few ports in the South—the Gulf especially—quarantine was sometimes administered for other than sanitary reasons—for the fees of ballast and disinfection, from jealousy between stations, etc.—and this power was needed to prevent this unnecessary quarantine of clean ships, and needed for that purpose alone. The history of its operation for five years, and the paragraph of the United States Quarantine Regulations quoted, show that it has never been used, or intended to be used, to force a vessel on a quarantine officer objecting to its entry in good faith.

Nor is quarantine for commercial purposes a rarity on land. This disinfection of clean vessels was mainly at the smaller ports. Vessels from South Africa—Cape Town, Port Algoa, and Port Elizabeth—were habitually quarantined for yellow fever at Pascagoula. At these ports there has never been a case of yellow fever. For instance the bark *Castilla*, disinfected at Chandeleur in 1890 by steam and every modern appliance, was quarantined at Round Island, Miss., and some sulphur burned in pots in her hold, and the disinfection fee collected; the quarantine officer at Round Island stating in a letter that he regarded the process as “unnecessary and inefficacious,” but he was directed to do it.

Other cases have occurred at the same quarantine and similar ones at Apalachicola, and in the same line was the compulsory removal of disinfected rock ballast at the Pensacola quarantine, for which fees were charged, now discontinued by the Florida State board. At this time the same vessels were allowed entry into the larger ports—New Orleans, Mobile, Tampa, Savannah, and Charleston—without quarantine.

APPENDIX H.

Letter from Dr. White, in charge of immigration bureau, Ellis Island, N. Y.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING SURGEON-GENERAL
MARINE-HOSPITAL SERVICE,
Washington, D. C., March 19, 1898.

DEAR DOCTOR: Referring to my conversation with you last night, and to the fact that Senators CAFFERY and FRYE both seemed interested in the matter, I submit the following statement of facts.

The Marine-Hospital Service assumed control of Brunswick (Ga.) quarantine in the summer of 1893, and of the epidemic of yellow fever already implanted there prior to that time.

So well was the service work done in both sea and land quarantine that all Georgia cities and towns accepted the pratique of both classes, business went on with a minimum of hindrance, and not one solitary hint ever emanated from any person that any infection was carried to any place outside our lines. Savannah, the most prominent commercial seaport of the Southeast, was so well pleased as to request, on or about July 1, 1894, after one year's observation of the work, that we should take over and assume full charge of her local quarantine. You are in position to supply the proof of this offer.

None of the local quarantines in Georgia or South Carolina dare handle infected ships, but send every one of such to the national station at Sapelo Sound, thus contradicting any statement that they do not rely upon the Marine-Hospital Service, and, indeed, with rare exceptions, this applies to the whole Southern coast. Nearly all of them send vessels to national quarantines, and maintain only what are properly inspection stations.

Before the mandatory law of 1893 many of these local stations, as Surgeon Carter has told you, made pretense of disinfection and collected fees therefor after vessels were released by our stations and needed no further treatment. This was done in Savannah in 1886, and only stopped by my threatening the health officer of Savannah with a recommendation for discontinuance of our ignored station. The health officer's back-down then showed conclusively whose work was trusted, even at that early date.

Very respectfully,

J. H. WHITE.

Dr. WALTER WYMAN,
Supervising Surgeon-General, M. H. S.

APPENDIX I.

Correspondence touching transfer of Savannah Quarantine Station to Marine-Hospital Service.

CITY OF SAVANNAH, DEPARTMENT OF HEALTH,
June 29, 1894.

SIR: I am directed by Mayor McDonough to say that, by resolution of city council, a committee will wait on you, at your convenience, to arrange for the transfer of the quarantine service of this city to the National Government.

He desires me to say that it is not a question of selling our plant, but to ascertain from you the policy of the service, etc.

This committee will report back to city council, who will then take action in the matter. The committee will be in Washington on Friday, July 6, if in answer to this letter you express a desire to confer with them on that date.

Very respectfully,

W. F. BRUNNER, *Health Officer.*

Surg. Gen. WALTER WYMAN,
United States Marine-Hospital Service,
Washington, D. C.

CITY OF SAVANNAH, DEPARTMENT OF HEALTH,
July 27, 1894.

DEAR DOCTOR: Things are getting very interesting in this city on the quarantine question. The Morning News and Evening Dispatch have favored national control, while the Press has fought it persistently in its local and editorial columns. Ex-Senator Norwood and Dr. Le Hardy have come out in the latter paper denouncing the movement, hinting at centralization of power, etc. Finding that this maudlin statement was having some effect, I went to-day to Mayor McDonough and advised that he send the committee to Washington within the next few days.

He has advised me if you will be ready to meet the committee on Monday, July 2. I would earnestly urge that you act quickly. I will be in the party which leaves here on Sunday, if I receive a favorable answer. Let me know by wire as soon as you get this, which will be Friday morning at the latest. I have assured them that your service will take charge of our quarantine.

The city authorities have a great deal of confidence in Joe White, and I would suggest that you have him in Washington with the committee. I would again say that delay in this matter is dangerous.

Yours, truly,

W. F. BRUNNER.

SAVANNAH, GA., June 21, 1894.

DEAR DOCTOR: City council acted on the quarantine matter yesterday to the extent of passing a resolution appointing committee of three "to confer with the proper Government authorities in regard to having the National Government take charge of Savannah's quarantine station through the Marine-Hospital Service."

Vote stood 8 to 2 in favor of. If the Government will give the city anything like a fair sum, the matter is settled.

Dr. Graham, who you know is engaged by the city at a salary of \$2,000 per annum, and I feel a moral obligation to request of you, should the change be made, that you keep him in charge until January 1. You have met him: Carter, Murray, and White know of his work, and I feel that I am not asking too much when I ask this.

With sincere regards, yours,

W. F. BRUNNER.

CITY OF CHARLESTON, S. C.,
 DEPARTMENT OF HEALTH,
Thursday, June 21, 1894.

DEAR DOCTOR: Mr. McGee, chairman of our maritime sanitation committee, and I desire to have a conference with you as to quarantine matters on next Tuesday, June 26, in Washington.

Will you please telegraph, on the receipt of this note, if it will suit you for us to meet you on that day.

Respectfully,

H. B. HORLBECK, *Secretary.*

Dr. WALTER WYMAN.

Supervising Surgeon-General Marine-Hospital Service.

CITY OF SAVANNAH, DEPARTMENT OF HEALTH,
June 27, 1894.

SIR: I am requested by Mayor McDonough to state that a committee from city council of this city wishes to confer with you in reference to turning over to your service the control of our maritime quarantine station.

If agreeable, the committee will reach Washington on Monday morning, July 2.

I would ask that you kindly wire me your answer as soon as you receive this communication, in order that the members of the committee can arrange for the trip.

Very respectfully,

W. F. BRUNNER, *Health Officer.*

Surg. Gen. WALTER WYMAN,
United States Marine Hospital Service,

Washington, D. C.



